

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION
JULY 5, 2007 MEETING MINUTES**

1) Public Meeting: Call to Order

- a) Chairman Dininny called the public meeting to order at 7:30 p.m.

2) Pledge of Allegiance

3) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, Dininny, DiPaolo and Sassu.
b) Also present were Solicitor Robert Kerns, Township Engineer John Chambers, Police Chief Francis Carroll, Director of Public Works David Shaffer, Parks & Recreation Director Kelly Donohue, Accounting Manger Susan Preston, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

4) Chairman's Comments:

- a) Chairman Dininny reviewed the meeting format for the audience.

5) Public Participation on Agenda Items:

- a) There was no participation at this time.

6) Discussions:

a) Memo from Kelly Donohue dated June 22, 2007 re: park lights:

- i) Ms. Donohue explained that the Park & Recreation Board had discussed the need for uniform operating procedures relating to all Township ball fields. It has been suggested that lights must be turned off by 10 p.m. from Sunday through Thursday, with all games ending no later than 9:45 p.m., and by 11 p.m. on Friday and Saturday, with all games ending no later than 10:45 p.m., which complies with the Township curfew. Teams are responsible to pay the electric bill for lighting.
ii) Supervisor Brown noted that in the past there were problems with the lights at Eagleville School because they were not turned off when people left the field. He asked if 15 minutes was an acceptable timeframe to clear people off the fields and out of the park? Ms. Donohue indicated that this was a sufficient time frame.
iii) Mr. Dunbar explained that all organizations would sign an agreement pertaining to the operating procedures when they sign the permit to utilize lights. If the police see a violation they will address the situation and report it to staff for follow-up.
iv) Supervisor Sassu asked why the lights were not on a timer? Ms. Donohue indicated that this could be an option, however they have not experienced any problems with the organizations turning off lights. Chairman Dininny suggested that half the lights could be on a timer and turn off 15 minutes prior to the 10 or 11 p.m. deadlines.

b) Memo from Kelly Donohue dated June 22, 2007 re: landscaping bids:

- i) Ms. Donohue noted that the 2005 landscaping contract will expire at the end of this year, and she would like to put out a bid for another three-year contract. She explained that having a contractor cut the grass in the parks, retention basins and open space areas frees up staff for other work.
ii) Chairman Dininny noted that the benefit from the last contract was that it locked in a price prior to gasoline prices escalating. He questioned how much the cost would increase. Mr. Dunbar noted that the price would go up because of gasoline and immigration pressures.
iii) Mr. Dininny asked if there were any types of prerequisites pertaining to immigration status of contractor's employees?
iv) Mr. Dunbar indicated that they go with the lowest responsible bidder; there is no requirement to provide an I-9 form.

- v) Supervisor DiPaolo noted that I-9's and criminal background checks could be made a requirement of the bidders.
- vi) Mr. Dunbar suggested that the Board have a legal session with the solicitor at some point to discuss this because it would need to be applied to all bids. He noted that such a requirement would increase costs internally because it would require additional staff time to administer.
- vii) Mr. Kerns indicated the Board could proceed with this, but the biggest question would be how would they enforce the requirement? Mr. Dininny asked Mr. Kerns to look into this and provide information to the Board.
- viii) Mr. Dunbar noted that all camp counselors have had criminal background checks and child abuse clearances done prior to employment.
- c) Discussion on proposed day care center on Germantown Pike:
 - i) Mr. Joseph McGrory, Esq., was present to represent the applicant, Mr. Rick Moscariello.
 - ii) Mr. McGrory explained that the applicant would like to construct a Chesterbrook Academy day care facility on Germantown Pike. The Zoning Hearing Board (ZHB) denied the application in part because of the Village Commercial Committee (VCC) that is currently revamping the VC ordinance.
 - iii) Mr. McGrory urged the Board to consider a minor text change amendment to the VC ordinance to permit day care facilities in the VC zoning district.
 - iv) Mr. McGrory provided details to the Board pertaining to the proposed construction of the day care, noting that the applicant has marketed this parcel for four years as a VC use and has had no interested parties. If they must wait for the VCC to complete their work, the applicant will lose his tenant.
 - v) Mr. Siegel noted that this application was before the ZHB in January or February, with a decision being rendered in late May or early April.
 - vi) Chairman Dininny noted that they need to allow the VCC enough time to complete their work, however they must also do the work of the Township during this time. Supervisor DiPaolo noted that the VCC is now meeting two times each month to complete their recommendations by the end of the 3rd quarter.
 - vii) The remaining Board members concurred that this project would be a good fit for the area, and asked if the VCC would consider moving up reviewing design standards to provide an opinion on the request. Mr. DiPaolo indicated that they could listen to Mr. McGrory's presentation at the next VCC meeting on July 10, 2007.
 - viii) Mr. McGrory will draft a proposed text change for the VC Ordinance and forward it to Mr. DiPaolo for the meeting.
- d) Barto – Level Road – Minor subdivision time extension:
 - i) Mr. Siegel explained that this project is a three-lot subdivision on 258 Level Road. The applicant needs additional time to go back to the Planning Commission for preliminary and final approval.
- e) Eadeh Enterprises – time extension:
 - i) Mr. Siegel noted that the applicant needs an extension to deal with the water issues in that area.
 - ii) Supervisor Brown questioned how close this was to public water? Mr. Siegel stated that the water line was at Level Road and Ridge Pike and needs to come up to this location. There are issues with the project and roadway that still need to be addressed.
- f) Streamlight - expansion:
 - i) The applicant requested that this item be pulled from this evening's agenda.
- g) Discussion on banking RFP's:
 - i) Ms. Preston reviewed the RFP's for banking services, which were mailed on May 1, 2007, with a May 30th deadline. Nine banks received the RFP's, and eight responses were received. Ms. Preston recommends Commerce Bank because of their interest rates, no minimum requirement, and the variety of services that they offer.
 - ii) Mr. Dunbar indicated that the staff prepared matrix answers the questions in the RFP. There is already a long agenda for the July 19th meeting. This item can go on that agenda or the August

meeting. Mr. Dunbar encouraged the Board to forward any questions to staff prior to the meeting to facilitate the answers.

iii) Supervisor DiPaolo has already discussed several items with Ms. Preston and is awaiting additional details.

h) Discussion on Valley Hi – pavement extension:

i) Mr. Dunbar noted that staff has worked through the concerns from the Valley Hi West Homeowner's Association (HOA) and other residents of that development. There are one or two items remaining on the punch list, including an ongoing concern with the loop roads scattered through the development. Mr. Chambers has discussed the matter with Judd Builders, who have agreed to extend the macadam on certain loop roads. They need to ensure this does not encroach on open space. If the Township were to meet the August deadline for liquid fuels funding on these roads, the amended plan would need to be approved at the July 19th meeting.

ii) Mr. Chambers explained that the applicant has agreed to do the roadwork at their expense. If the Board accepts the wider roads at the July 19th meeting, Judd wants reassurance that the roads will be dedicated within two weeks, so final acceptance would have to occur at the August work session meeting.

iii) Chairman Dininny asked if all other issues were resolved? Mr. Chambers indicated that they were.

iv) Supervisor Brown questioned if the fencing around the rock face was done? Mr. Chambers met with Code Enforcement to review that situation, and a fence is not required so no code violation exists. Mr. Dunbar noted that the correspondence sent to the HOA was just to bring the unsafe condition to their attention.

v) Mr. Brown indicated that the main problem is with the road, but he believes these issues will be resolved with the road dedication.

vi) Mr. Dunbar noted that once the roads are dedicated and signs with parking restrictions are installed there would probably be other issues.

vii) Mr. Dunbar stated that the plan would be amended to add 4' of macadam to certain roads. He does not think they will meet the deadline for liquid fuels.

viii) Mr. Kerns questioned if they needed an amended record plan? Mr. Chambers's looks at this as a field change, they are doing more than is required. The record plan does not change.

ix) Mr. Kerns indicated that the size of the cart way would be listed in the deed of dedication.

x) Mr. Dunbar will communicate with the builder and HOA that the Board is amenable to this change.

i) Township complex lot consolidation:

i) Mr. Dunbar has discussed consolidation of all the lots in the Township complex with Mr. Kerns, and they will need to do a reverse subdivision. They are working on this.

j) Other Board & Staff Items:

i) Supervisor Brown questioned the drainage issue on Smith Road?

(1) Mr. Chambers went to review a water drainage issue along Smith Road, where there is a severe flooding problem on one resident's property. He will be meeting with Mr. Schaffer tomorrow to discuss the problem and cost estimates.

(2) Mr. Chambers explained that there are no storm sewers along Smith Road, and anticipates that the solution will be expensive. A 4' high and 10' wide culvert could be used, however he is unsure how to get the water to that point and does not want such a large swale along Smith Road. They will look at the options on how to address this situation.

ii) Mr. Dunbar reviewed the July 19th agenda, which will include the consent agenda, a service award presentation, the Evansburg Point Park hearing, a presentation by the American Revolution Center, and a hearing for the Living History Overlay.

7) Courtesy of Floor (not to exceed 3 minutes per person):

a) Mr. Ray Martinez, 3786 Evansburg Road, commented that no statistical data was discussed pertaining to the lighting proposal for Evansburg Point Park at the Park & Recreation Meeting. He

stated that most lights are out by 9 p.m., and he is against the later lighting deadlines. The Park & Recreation Board did not speak to the local community about the lighting deadlines. He encouraged the Board to move the hearing for Evansburg Point Park to another meeting because the July 19th meeting is already full and this matter will take a long time.

- b) Mr. Tom Borai, 5 Brenda Lane, questioned when the VCC was formed? Supervisor DiPaolo indicated that it was in January.
 - i) Mr. Borai noted that he has no problem with the request for a day care facility in the VC district, but questioned if this would bring litigation from an attorney who wanted his parcel zoned VC?
 - ii) Mr. Kerns noted that this is a discretionary item before the Board. The party in question has met with staff several times. The Board did not want to act on this.
 - iii) Mr. Borai asked why Tornetta was going to be before the VCC? Mr. DiPaolo note that they have a lot off Wedgewood that they want the VCC to review with the map review process.
 - iv) Chairman Dininny reiterated his stance that while the VCC is considering ordinance amendments; they still have to run the Township. If it is perceived that action cannot be taken on a matter because of the VCC it is not good. The Board does not want to place themselves above the VCC; these are volunteers doing good work for the Township. However, property owners also have a right to get due process in a timely fashion, which must also be considered.

8) Adjournment:

- a) **MOTION** – Supervisor Sassu made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary