

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION
AUGUST 2, 2007 MEETING MINUTES**

1) Executive Session:

2) Executive Session:

- a) Mrs. Altieri called the executive session to order at 7:00 p.m., seconded by Mr. DiPaolo. The following Supervisors were present: Mr. Dininny, Mrs. Altieri, Mr. Brown, and Mr. DiPaolo. Also present were Township Manager Joseph Dunbar and Solicitor David Onorato. A discussion took place on real estate, personnel and legal matters. Mrs. Altieri motioned to adjourn the meeting at 7:30 p.m., seconded by Mr. Brown.

3) Public Meeting: Call to Order

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

4) Pledge of Allegiance

5) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, Dininny, and DiPaolo.
b) Supervisor Sassu was excused.
c) Also present were Solicitor David Onorato, Director of Public Works David Shaffer, Parks & Recreation Director Kelly Donohue, Emergency Management Coordinator Charles DeFrangesco, Human Resources Coordinator Geri Golas, Project Analyst Nate Dysard, Director of Special Projects and Technology William Roth, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

6) Chairman's Comments:

- a) Chairman Dininny reviewed the meeting format for the audience.
b) It was announced that an executive session was held prior to this meeting to discuss legal and personnel matters.

7) Public Participation on Agenda Items:

- a) There was no participation at this time.

8) Discussions:

a) Police Pension Ordinance Amendment Advertisement:

- i) Mrs. Golas explained that the Police Pension Plan ordinance was adopted in 2005 allowing pre-tax contributions to the pension plan. The actual document was not revised to include this revision. The ordinance has been modified and will be on the next meeting's agenda for advertisement.

b) Acceptance of Banking RFP's:

- i) Mr. Dunbar explained that this item was tabled at the July meeting to allow for a more thorough review of the RFP's. Mrs. Preston has followed up on any subsequent questions, and this will be moved to the August 16th agenda to have a proposal adopted.
ii) Chairman Dininny questioned what they would do if there were not enough people at that meeting to vote on the proposal? Mr. Dunbar indicated that they could go back to the nine banks to see if they would extend their RFP's until September.

c) Waiver of permit fee for replacement light installation – football field at Evansburg Point Park:

- i) Ms. Donohue explained that the Warriors Football organization would like to upgrade the existing lights on the football field, and have requested a waiver of the associated \$60 permit fee.

d) Paving – regrading fire house parking lot: waiver permit fees:

- i) Mr. Siegel noted that the Fire Company has requested that a \$100 fee associated with a grading permit be waived. The Fire Company is working on drainage problems on their parcel.

e) Act 40 Compliance – ordinance on collection of delinquent real estate transfer taxes:

- i) Mr. Onorato explained that the Township received a letter from the County Recorder of Deeds alerting them of a deficiency with the Township's current Act 40 ordinance relating to the collection of delinquent real estate transfer taxes. This language has been corrected in the ordinance, and Mr. Onorato is requesting that it be considered for advertisement at the next meeting.
 - ii) Chairman Dininny questioned who collects this tax? Mr. Onorato noted that the Recorder of Deeds obtains this via a transmission when a deed is transferred at settlement. The Recorder of Deeds collects delinquent taxes. 1% goes to the County and 1% goes to the Township.
- f) Courtyards at Collegeville escrow release of \$10,500:
- i) Mr. Siegel explained that the Courtyards at Collegeville is requesting an escrow release for funds set aside to ensure the installation and seeding of a naturalized basin and hook up of the storm water system from roof leaders on several homes. This work has been completed to the satisfaction of staff and Mr. Onorato has no concerns with the escrow release.
- g) Troxel subdivision – time extension & plan review:
- i) Mr. Siegel explained that this item was delayed from the last meeting's agenda because of the other time consuming topics. The applicant has provided a 90-day extension, and would like to provide information on the request this evening so the Board may consider it for approval at the August 16th meeting.
 - ii) Mr. Jeffrey Boyd, Esq., was present along with the applicant Mr. Davis Troxel.
 - iii) Mr. Boyd explained that the Planning Commission has already approved this plan. The applicant seeks to separate lot 1, a cemetery business from lot 2, an auto business, onto separate deeds and to run these businesses independently.
 - iv) Mr. Boyd noted that in the Chambers Associates review letter there is a request for a description of a 30 ft. wide access easement, and questioned where this should be placed? Mr. Siegel indicated that it should be on the deed description at the time of the recording of the plan.
 - v) The Board had no additional comments.
- h) Alternative vehicles & biofuel analysis:
- i) Mr. Dysard provided an overview of his research regarding more economical vehicles and savings for the environment.
 - (1) There are organizations with both patrol and administration staff utilizing hybrid vehicles.
 - (2) Use of such vehicles would save Lower Providence Township \$10,000 per vehicle during its' 4-5 year lifespan. Hybrid vehicles average 33 mpg as compared to the 13 mpg that the Crown Victoria patrol vehicles average.
 - (3) The Ford Hybrid Escape could be used for eleven patrol vehicles and also administration support cars.
 - (4) Currently available biofuels include ethanol and biodiesel. A 10% blended ethanol is available at the Sunoco station across from Genuardi's. Using this fuel and a system called Fleet Card to purchase the gas from this station, the Township should save \$4,000 per year based on the 37,000 gallons of gas consumed last year.
 - (5) Biodiesel is more difficult to obtain, with the closest distributor being Ohlert Brothers in Trappe. They would need to look for some type of on-site containment system for this.
 - (6) There are grant applications available from the DEP and other Government agencies for the cost of fuel and a 50% match for hybrid technologies.
 - ii) Chairman Dininny questioned the initial outlay on containment and the environmental impact of such tanks? Mr. Dysard does not recommend taking advantage of the biodiesel at this time for a variety of reasons.
 - iii) Mr. Dininny asked if Chief Carroll was in favor of using hybrid vehicles? Mr. Dunbar noted Chief Carroll has been included in discussions. The new version of the Ford Hybrid Escape is larger than the previous version. Mr. Dunbar has asked Mr. Dysard to see if they can bring one in through grants from the Ford Motor Company for evaluation from a street performance perspective, and also to see if it can hold all of the police equipment.

- iv) Supervisor Brown thanked Mr. Dysard for the thorough analysis. He questioned what states are currently using hybrid police vehicles? Mr. Dysard does not recall the specific states, but noted that the remarks from such departments included that the vehicles were spacious and the cars were such that they could handle the addition of police technology to the car with no problems.
- v) Supervisor Altieri asked if police vehicles were typically on a five-year lease? Mr. Dunbar remarked that the Township purchases the vehicles.
 - (1) Mrs. Altieri expressed concern with battery maintenance issues. Mr. Dysard stated that the cars come with an eight year, 100,000-mile warranty on the battery.
- vi) Mr. Dysard commented that there are uses where a hybrid vehicle would not work such as to pull heavy equipment. However, for other patrol and staff use the hybrid vehicles would save the Township about \$30,000 to \$40,000 per year.
- vii) Mr. Dininny commented on the need for durability with fleet vehicles. The technology of hybrid vehicles is still relatively new, and he expressed concern of the potential for such a vehicle not performing in an emergency. Mr. Dininny is unsure at this point if he can fully support the use of hybrid vehicles without further analysis.
- i) 930 Jefferson Avenue – lease-purchase of building from the Montgomery County Intermediate Unit re: waiving of fees:
 - i) Mr. Dunbar explained that the Montgomery County Intermediate Unit (MCIU) was relocating to 930 Jefferson Avenue. They will have 60 students and 30-35 employees at this location. The MCIU is requesting a waiver of the \$5,400 fee associated with internal reconstruction of the facility, stating that they are an entity of Montgomery County and therefore a sister agency to the local government.
 - ii) Supervisor Brown questioned if the County would own this building and if it would be tax exempt? Mr. Dunbar indicated that it is owned by MCIU and is not tax exempt.
 - iii) Chairman Dininny questioned if the Township typically waived these types of fees? Mr. Dunbar indicated that they do not, but have waived some land development fees for the school district. He noted that this is new business moving into the Township.
- j) Sacks for preliminary / final subdivision:
 - i) Mr. Siegel explained that this is a one-lot subdivision plan. The Zoning Hearing Board (ZHB) granted relief in 1987, however the developer did not have money to go through land development at that time. That initial relief expired, and the applicant went back to the ZHB for relief several months ago, and has also received approval from the Planning Commission (PC) for this plan.
 - ii) Chairman Dininny asked if there was a timing issue with this plan? Mr. Siegel explained that there was an issue with the variance, however they have applied for a building permit, which handled that situation.
 - iii) Mr. Michael Yanoff, Esq., was present along with Mr. & Mrs. Sacks to discuss the plan.
 - iv) Mr. Yanoff noted that several times in the executive summary and resolution the lot being developed is referred to as lot 2, however it is actually lot 1 that is being developed, so these references should be corrected.
 - v) The applicant proposed to construct a single-family home on lot 1, taking access off of Appledale Road.
 - vi) Waiver Requests:
 - (1) Section 123-33.A – sidewalk installation along Appledale Road and Sunnyside Avenue:
 - (a) Mr. Yanoff remarked that installing sidewalks would require the removal of existing large trees on the parcel.
 - (b) Supervisor Brown questioned if it was possible to install sidewalks behind the existing trees?
 - (c) Mr. Joe Dietrick, the project engineer, commented that the lot is small and this may not be feasible. Depending on where the sidewalk would be placed, it could hurt the tree roots.

- (d) Supervisor Altieri questioned the location of the trees? Mr. Dietrick showed the tree placement along Appledale road and additional trees on Sunnyside. He indicated that physically they could install the sidewalk but questioned who would own the sidewalk, as it would be 20 ft. from the curb?
- (e) Mr. Yanoff remarked that there are physical impediments from installing the sidewalk.
- (f) Mr. Brown referenced other areas in the Township where sidewalks were installed in difficult locations. He will review the site tomorrow to see how the sidewalks would be placed. Mr. Brown feels the sidewalk is necessary for safety reasons.
- (g) The Board questioned the proposed \$4 per square foot as a fee in lieu of sidewalks.
- (2) Section 123-32.A – curbing installation along Appledale Road and Sunnyside Avenue:
 - (a) Mr. Yanoff stated that there was no existing curbing.
 - (b) Chairman Dininny asked if there was storm water management? Mr. Yanoff indicated that there was not.
 - (c) Mr. Dininny questioned the proposed \$10 per linear foot fee in lieu of granite curbing.
- (3) Section 123-32.A & B – installation of road widening and storm sewers along Appledale Road and Sunnyside Avenue:
 - (a) The applicant is also looking for a waiver of the fee in lieu of for this item.
- (4) Section 123-32.A – Granite curbing:
 - (a) Supervisor Brown commented that the ordinance has not changed, it still requires granite.
 - (b) Mr. Yanoff noted that the area is surrounded by concrete, so it would not look good to mix in granite.
- (5) Section 123-14.C.8 – locating items 50 ft. beyond the tract boundary:
 - (a) The applicant has provided an aerial photograph to address this item.
- vii) Mr. Yanoff questioned the \$1,000 tree replacement fee, as they are not removing any trees? Mr. Siegel noted that it would be the fee paid should they remove any trees during construction.
- viii) Mr. Yanoff noted that there were two different numbers provided for the Traffic Impact Fee, \$2,000 and \$667.37. Mr. Siegel indicated that the \$667.37 fee would apply.
- ix) Mr. Siegel requested that a note be placed on the plan to indicate that no trees are to be removed.
- x) Mr. Dininny indicated that they need to figure out the costs associated with the curbing and sidewalk fees prior to the next meeting.
- k) Piantone for preliminary / final subdivision:
 - i) Mr. Siegel explained that this plan is for a two-lot subdivision. The applicant has a by right plan, however the PC has recommended that the Board consider waiving the 200% requirement for a flag lot associated with the plan because of the lot it would create.
 - ii) Mr. Joseph Ciccito, Esq., and Mr. William Conver, the engineer, were present to discuss the plan.
 - iii) Mr. Cicedo explained that the original plan was submitted just after the Township’s flag lot ordinance was adopted. They can comply with the ordinance and provide a rear lot that is 200% of the lot size, however this creates an odd shaped lot. The applicant is proposing a 43,000 sq. ft. lot instead of the required 50,000 sq. ft. lot so that it is more aesthetically pleasing. Both lots were provided for the Board to review.
 - iv) Supervisor Brown questioned how much frontage the lot would have? Mr. Conver noted there was 25’ for the flag lot, and the remaining lot conforms to zoning requirements for a standard lot.
 - (1) Mr. Brown questioned the driveway. Mr. Conver indicated that they would use the existing driveway as a common drive for a portion of the distance back to the flag lot.
 - (2) Mr. Cicedo noted that he has prepared an easement agreement for this and provided it to the Township Solicitor. Mr. Onorato noted that the agreement is acceptable.
 - v) Supervisor Altieri noted there was a condition at the PC meeting regarding obtaining signoff from the neighbor regarding water runoff.
 - (1) Mr. Cicedo stated that they have something in the works regarding this sign-off. He questioned a hold harmless agreement requirement?

- (2) Mr. Onorato will check into this. It seems the PC was trying to make sure the neighbor understood the water runoff would go to their property and would not hold the Township responsible for this runoff.
 - (3) Mr. Cicedo has notified the neighbor and is willing to do what is necessary but just wants clarification. Mr. Siegel noted it was in the storm water ordinance.
 - vi) Chairman Dininny questioned how the Township came up with the \$1,000 per lot fee for tree replacement? Mr. Siegel noted that the Board decided this several years ago. This is the required fee per lot should any trees be removed with a subdivision. Mr. Dininny requested that a copy of the ordinance be provided to him.
 - vii) Mr. Cicedo noted that there is an existing rolled concrete curb that they would like to maintain and not have to replace with granite.
- 1) Dedications:
- i) Mr. Siegel explained that all of the following developments have requested dedication. He is awaiting maintenance bonds from all of them.
 - (1) Valley Hi West S-93-14 – they have completed Mr. Chamber’s punch list and provided deed descriptions.
 - (2) Providence Oaks S-99-10 – their punch list is nearly complete and they have provided deed descriptions.
 - (3) McCall / Anderko S-99-01 – their punch list is complete but they still need to provide a deed description.
 - (4) Brown / Tyrpin S-02-06 – their punch list is nearly complete and they have provided deed descriptions.
 - ii) Mr. Dunbar noted that they have dealt with a lot of issues from homeowners in the past few weeks. Most of the issues are private matters, but the Township has worked on any public improvement issues.
 - (1) The Solicitor needs to execute the Providence Oaks settlement agreement with the Homeowner’s Association (HOA), and this needs to be executed before August 16th. The Providence Oaks Solicitor is aware of this.
 - (2) If these dedications are not approved by August 16th they miss the liquid fuels requirements and the roads cannot be dedicated, and the school buses cannot go into the neighborhood.
 - (3) There are issues being worked out with Chambers Associates and Toll Brothers regarding the road conditions for Providence Oaks that were installed 5-7 years ago. There is also an erosion issue on Redtail Road that Chambers is working to have resolved.
 - (4) This should be completed by August 16th, but it will require some work from the HOA.
 - iii) Chairman Dininny questioned the lifetime of a road-wearing course, since the Township would be taking dedication of 7-year-old roads? Mr. Shaffer noted the lifetime is typically seven years, so 1/3 of the road’s lifetime has passed.
 - (1) Mr. Dininny commented that he does not want to buy problems. There are on-going issues that need to be resolved prior to dedication so the Township does not have to fix them.
 - iv) Supervisor Brown questioned how they stand with the as builts? Mr. Siegel indicated that they have them for Valley Hi West and McCall/Anderko but not the other subdivisions. Mr. Brown commented that if we do not have them by the 16th, those other developments would not be approved for dedication.
- m) New truck – Public Works Department:
- i) Mr. Shaffer explained that during last year’s budget process the purchase of a new dump truck was discussed. It was decided the perhaps they consider ordering the new truck around this time of year for delivery in 2008. He is looking for input from the Board regarding how to proceed.
 - ii) Supervisor DiPaolo commented that he just received the year to date financials, and wants to review these to see where the public Works budget is this year as compared to last year.
- n) Annual auction to sell old equipment and / or vehicles:

- i) Mr. Shaffer is requesting authorization to sell old equipment and vehicles when the next auction comes up. They will sell vehicles that have been replaced this year.
 - ii) Supervisor DiPaolo asked if this was based on 2008 replacements? Mr. Shaffer explained that it would be for police vehicles that were replaced in 2007 already and some Public Works surplus equipment.
 - iii) Supervisor Brown questioned how much money is made from these types of sales? Mr. Dunbar noted that a used Crown Victoria typically goes for \$1,500 to \$3,000, the proceeds of which go into the Capital Equipment Fund.
 - iv) Chairman Dininny asked how many vehicles they had to sell? Mr. Shaffer noted there are five Crown Victoria's, an old water truck and an old snow plow, plus miscellaneous tires that no longer fit on any Public Works equipment.
- o) Streamlight – final plan amendment:
- i) Mr. Siegel noted that the Streamlight project was approved in 2000. Phase I was completed, and the applicant is presenting Phase II this evening.
 - ii) Mr. Pierce Anderson, Esq., and Mr. David Miller, P.E., of Boucher & James, Inc., were present to represent the applicant.
 - iii) An August 2, 2007 letter from Mr. Miller regarding four waiver requests was distributed to the Board.
 - iv) Waiver Requests:
 - (1) Section 143-72.A – a variance granted regarding parking requirements.
 - (a) Mr. Miller reviewed the existing and proposed parking. The applicant originally received a variance for both phases of the project, and is requesting that it be applied to Phase II. The proposed reserve parking areas will be constructed when needed in the future, however the new design calls for less than what was originally proposed.
 - (2) Section 123-18.A(1) – showing existing features within 200 ft. of the tract boundary on the plan.
 - (a) It was noted that they are showing the same topography on the amended plan as was shown on the original plan.
 - (3) Section 123-32 – a waiver from installing interior curbing.
 - (a) Mr. Miller noted that interior curbing was waived in Phase I, and they are asking that this be carried into Phase II. They are also requesting that no curbing be used with new, proposed islands. This will promote water infiltration and is a recommended best management practice.
 - (b) Supervisor Brown asked how water gets to the retention basin on Eagleville Road? Mr. Miller noted that it runs down the driveway to the existing basins. Mr. Miller noted that there would be curbing along the driveway for definition.
 - (4) Section 123-32.B – a waiver from installing granite curbing.
 - (a) Mr. Anderson indicated they would also seek a waiver from use of granite curbing.
 - v) Mr. Anderson indicated that they just became aware of an issue with the March 2000 Traffic Impact Study today, and would like to work this out with the Township.
 - (1) Mr. Dunbar noted that there was a review letter from October 2000 from McMahon Associates relating to road improvements associated with Phase II at Eagleville & Ridge Pike. This predates the Act II. He sent this letter to Mr. Anderson's office and they will need more dialog on the matter with staff.
 - (2) Mr. Anderson thinks that it was not Phase II that required the traffic improvements but rather general traffic patterns.
 - (3) Mr. Dunbar noted that they are very excited that Streamlight is the Township's neighbor and are expanding, however they will need to address the traffic impacts.
 - vi) Chairman Dininny noted that for interior curbs, they had discussed not requiring granite.
 - (1) Mr. Anderson noted that new BMP's now suggest not using curbing to promote storm water management and infiltration.

- (2) Supervisor Brown indicated that they need to get the revised curb ordinance moving.
- (3) Mr. Dunbar noted that the Board authorized the preparation and advertising of the ordinance. The ordinance was sent to the Board, however they are awaiting comment from all Board members. Once received, the ordinance will go to the county for a 30-day review and then to a public hearing.
- vii) Supervisor Altieri questioned the difference between a rain garden and a naturalized basin? Mr. Miller explained that the garden is shallower and not intended to hold water for a long time. It will be well landscaped.
- viii) Mr. Onorato questioned the relief that was originally provided with the variance as it relates to reserve parking, and if the applicant is within that relief?
 - (1) Mr. Miller noted that they designed the plan to what was approved.
 - (2) Mr. Siegel will research the matter for Mr. Onorato.
- p) Adopting the Montgomery County Natural Hazard Mitigation Plan:
 - i) Mr. DeFrancesco explained that mitigation is the last phase of emergency response. The Township does not currently have a mitigation plan, which is required in order to receive funds from various government organizations in the event of an emergency. Mr. DeFrancesco requested that the Board review the Montgomery County Natural Hazard Mitigation Plan, which he will ask them to adopt at a later date.
- q) Employee emergency information cards:
 - i) Mrs. Golas reviewed examples of a wallet size card she proposed be provided to employees for reference. The card contains the Township's emergency contact number, which rings into the dispatch center 24 hours per day, for use to connect with loved ones during Township emergency events. The cards will also contain other beneficial telephone numbers as a reference, and will be mailed to employee's homes so that family members receive them. The reference card is being created as a response to the lengthy hours employees worked last year during the power outages, when employees were not always able to touch base with their families.
 - ii) Mr. Dunbar commented that this provides employees with a way to connect with their families to know they are ok. The number is an after hours emergency hotline.
 - iii) Mr. Siegel thanked the Board for their proactive approach as shown with the Municipal Continuity Plan. He noted that one municipality in Lehigh had their Township Building and Police Station struck by lightning and burn to the ground. They lost all of their records and are working out of trailers. With the Lower Providence plan, the Township would be up and running in a relatively quick timeframe.

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

- a) Mr. Rob Burns and Mr. Kevin Groff, representatives of the Providence Oaks HOA, were present to discuss their concerns.
 - i) Mr. Burns noted that they have been awaiting dedication for a long time. He is concerned with the lack of dedication because it means the LPPD cannot enforce traffic violations on their roads. He is requesting that the Board do whatever is required to move forward with the road dedication this year.
 - ii) Mr. Onorato noted that Toll Brothers has prepared an agreement for settlement of the trail issue that needs to be signed.
 - iii) Mr. Groff remarked that Toll Brothers told them they would not be able to sign that until the roads were dedicated. He noted that the last house was constructed four years ago and the trail issue has been ongoing.
 - iv) Mr. Dunbar noted that Toll Brothers was told six weeks ago about the trail and put on notice, so they have known about this for some time.
 - v) Mr. Groff expressed frustration, noting that there are 206 homes in the development and no law enforcement.
 - vi) Chairman Dininny remarked that Toll Brothers has put the Township at odds with many neighbors over the years and has misrepresented what the Township's position was on matters.

They would also like the issue resolved, however they need to ensure that it is thoroughly resolved prior to signing off on the matter.

- vii) Mr. Burns indicated that they were here to work with the Township to have the roads dedicated this year.
 - b) Mrs. Cathy Maris, Evansburg – expressed her dissatisfaction with how the last Board meeting was run. She did not think it appropriate that residents sat outside and members of the ARC sat inside. Further, with two controversial items on the agenda, no one really had an opportunity to comment.
 - i) Mrs. Maris also expressed her unhappiness with the Board sending a developer into the Village Commercial Committee (VCC) meeting to have the ordinance amended prior to their work being complete. She remarked that he had no right to present plans to the VCC.
 - ii) Chairman Dininny remarked that they just wanted the VCC to consider the use being requested and not the actual plans. They were sent to the VCC so if the committee had any questions they could ask them. He stated that several members from the VCC said the Board was going around them, which was why they sent the matter to the VCC for consideration. He further noted that when the VC ordinance was changed back to its' original version, the entire audience applauded, it was what they wanted.
 - iii) Mike Comroe, 205 Pinetown Road, remarked that the blogs are getting ridiculous and are beating everyone up over the VC ordinance. He feels sorry for the Board, as there are a lot of nasty people out there. Chairman Dininny noted that after the last Board meeting someone egged his home and cars.
- 8) Adjournment:**
- a) **MOTION** – Supervisor Brown made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 4-0. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary