

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
OCTOBER 18, 2007 MEETING MINUTES**

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**1) Executive Session:**

- a) Mr. Brown called the executive session to order at 6 p.m. seconded by Mr. DiPaolo. The following Supervisors were present: Mr. Dininny, Mr. Brown, Mrs. Altieri, Mr. DiPaolo and Mr. Sassu. Also present were Township Manager Joseph Dunbar; Solicitor Dave Onorato; Simone Collins, Dave Shaffer, Bill Roth and Denise Walsh. A discussion took place on legal, personnel and real estate matters. Mr. DiPaolo motioned to adjourn the meeting at 7:30 p.m., seconded by Mr. Brown.

**2) Public Meeting: Call to Order**

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

**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, Parks & Recreation Director Kelly Donohue, Police Chief Francis Carroll, Public Works Director David Shaffer, Community Relations Coordinator Denise Walsh, Project Analyst Nate Dysard, Director of Special Projects and Technology William Roth, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.
- c) Chairman Dininny announced that an executive session was held prior to the meeting to discuss legal and personal matters.
- d) **MOTION** – Supervisor Brown made a motion to amend the agenda to move item 3A to be addressed after item 5G. Supervisor Sassu seconded the motion. The motion passed 5-0.

**5) Public Participation on Agenda Items:**

- a) There was no public participation on the agenda at this time.

**6) Consent Agenda:**

- a) **MOTION** – Supervisor Sassu made a motion to approve the consent agenda items 1a through 1c, including meeting minutes for August 16, September 13, and September 20. Supervisor Brown seconded the motion. The motion passed 4-0-1. Supervisor Brown abstained from the vote because he was absent from the September 20<sup>th</sup> meeting.
- b) **MOTION** – Supervisor Sassu made a motion to approve the consent agenda items 1a through 1c, including meeting minutes for October 4. Supervisor Brown seconded the motion. The motion passed 3-0-2. Supervisors DiPaolo and Sassu abstained from the vote because they were absent from the October 4<sup>th</sup> meeting.

**7) Presentations & Commendations:**

- a) Presentation to Chad B. Persons for attainment of Eagle Scout status:
  - i) Supervisor Sassu presented a plaque from the Township to Mr. Chad Persons, a senior at Methacton High School, for attainment of Eagle Scout status. Mr. Persons was in attendance with his parents. He constructed and installed three bicycle racks for Township Parks as his Eagle Scout project.

**8) Old Business:**

- a) Authorization to accept landscaping bids:
  - i) Ms. Donohue recommended awarding the landscaping bid to Lawn Rangers, who is willing to extend their contract prices from three years to five years. The cost per year is \$35,880 to mow parks, \$14,056 to mow basins, and \$7,700 to mow St. Gabes. This is a good opportunity to lock in the mowing contract for five years.

ii) **MOTION** – Supervisor Altieri made a motion to accept the bid. Supervisor Brown seconded the motion.

(1) Supervisor DiPaolo questioned if this pricing was for fiscal year 2008 or effective immediately? It would be effective in 2008.

(2) Mr. Dunbar noted that if any issues arise surrounding this contract at the upcoming budget meeting, there is an escape clause with no penalty and they can cancel the contract. He noted that this bid came in \$25,000 below the projected budget cost for 2008.

(3) Mr. DiPaolo asked Ms. Donohue to provide a cost benefit analysis with this contract as compared to the last three-year contract.

(4) **MOTION VOTE** – The motion *passed* 5-0.

b) Authorization to accept bids on computer software for Parks & Recreation Department:

i) Ms. Donohue explained that three RFP's were submitted for this project, and she recommends the selection of Capture Point. This company provided the best price, and the software ties into the current financial software used by the Township.

ii) **MOTION** – Supervisor Altieri made a motion to accept the bid from Capture Point. Supervisor Sassu seconded the motion.

(1) Supervisor DiPaolo questioned the cost associated with the bid. Ms. Donohue stated that there is an annual fee of \$5,000, the implementation fee is \$2,700, and optional services cost \$1,800.

(2) **MOTION VOTE** – The motion *passed* 5-0.

c) Application S-06-12 Arcola Intermediate School for preliminary and final land development:

i) Mr. Robert Korp, AICP, of Barry Isett & Associates, Inc., was present to represent the applicant, Methacton School District, and discuss the plan.

ii) Mr. Korp explained that the plan had not changed since he last presented it to the Board, and asked if there were any questions to address?

iii) Chairman Dininny asked if there was just one waiver for this plan? Mr. Korp indicated that there was.

(1) Mr. Dininny asked if Mr. Siegel, Mr. Chambers, Mr. Shaffer, Ms. Donohue and Chief Carroll were all OK with the plan? They indicated that they did not have outstanding issues.

iv) Supervisor Sassu asked if all of Chief Carroll's recommendations were being followed? Chief Carroll indicated that they were.

v) Mr. Dininny asked if the process was seem less the other day when they had to evacuate the students, and would remain as such with the proposed changes? Chief Carroll indicated that it was, and he expects it to remain so.

vi) Supervisor Brown questioned impervious coverage. Mr. Korp indicated that as it exists today, there are 13.2 acres or 19.55% impervious coverage at the site. With the proposed changes, impervious coverage will be 17.22 acres or 22.4% of the 66.74-acre site.

vii) Waiver Requests:

(1) Section 102 Appendix A – a waiver to permit the use of concrete curbing for the interior parking lot.

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

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

9) **New Business:**

a) Authorization to advertise ordinance on amendment update to the Emergency & Municipal Services Tax Ordinance:

i) Mr. Dunbar explained that the PA State Legislature has modified the EMS tax ordinance, and requested permission to authorize the Township Solicitor to incorporate these State mandated changes into the Township's ordinance, and to authorize advertisement of the ordinance for November 15<sup>th</sup>.

- ii) **MOTION** – Supervisor Altieri made a motion to authorize the amendment and advertisement. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- b) Request permission to open a small section of road near 3002 Honeylocust Circle from Greg Doci, Foreman, Airwave Cable, Inc.:
  - i) Mr. Shaffer explained that the contractor was able to remove the mole without opening the road, so this item has been withdrawn.
- c) Authorization to advertise rezoning map change for Fanaro Bros., Parcel #43-00-11824-00-4:
  - i) Mr. Siegel has received a request from Fanaro Brothers to rezone their parcel, located at the corner of Crosskeys and Ridge, from PBO to RPBD. He is seeking authorization to advertise the rezoning request.
  - ii) Supervisor Brown noted that he met with them during this week’s Solicitor / Staff meeting, and discussed having Fanaro Brothers work with the other surrounding property owners to have the parcels rezoned together.
  - iii) Mr. Dunbar noted that they also need to be sensitive to the property behind the Fanaro parcel, he is unsure of their intent.
  - iv) **MOTION** – Supervisor Brown made a motion to table this item. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- d) Proposal for conceptual intersection improvement plan for Ridge Pike & Trooper Road:
  - i) Mr. Dunbar requested authorization to have McMahon Associates develop a conceptual intersection improvement plan for Ridge Pike and Trooper Road. This would be done in conjunction with West Norriton. Mr. Dunbar explained that this is a proactive approach to future changes in the area, noting that the Board would be having a conditional use hearing for the proposed WaWa to be located at that intersection this evening. He is seeking authorization to pay the bill for this project.
  - ii) **MOTION** – Supervisor Altieri made a motion to approve this request. Supervisor Brown seconded the motion.
    - (1) Chairman Dininny asked if this would be paid out of Act 209 funds? Mr. Dunbar indicated that it would.
    - (2) **MOTION VOTE** – The motion *passed* 5-0.
- e) Discussion on drainage swale – Vincent Drive:
  - i) Mr. Shaffer explained that a drainage swale was installed outside of the storm sewer easement, and a resident is requesting that the Township relocate this to within the easement.
  - ii) **MOTION** – Supervisor Brown made a motion to authorize the request. Supervisor Sassu seconded the motion.
    - (1) Mr. Dunbar noted that the Township has been proactive in trying to resolve drainage issues, however a developer installed this swale. He questioned if the Township was opening themselves to any legal issues with this item?
    - (2) **MOTION CHANGE** – Supervisor Brown made a motion to rescind his first motion and move this item for discussion after agenda item 3a is complete. Supervisor Sassu rescinded his second to the original motion. Supervisor DiPaolo seconded this motion. The motion *passed* 5-0.
- f) Letter to Joseph Dunbar from Jackie Rittenhouse, President of L.P. Fire Company dated October 4, 2007, re: waive cost of permit for hanging banners on front of firehouse:
  - i) **MOTION** – Supervisor Brown made a motion to waive the permit fee as requested. Supervisor Sassu seconded the motion. The motion *passed* 5-0.
- g) Letter to Joseph Dunbar from Keith B. McLennan, Esq., dated October 1, 2007 re: waiver of Township Real Estate Taxes for the years 2006 & 2007 for the Lower Providence Community Center:
  - i) Mr. Dunbar explained that when the Streamlight project was being done, the developer gave two acres of land to the Lower Providence Community Center (LPCC). LPCC has not yet done anything with this land. LPCC has gone to the County, School District and Township to request

exemption from taxes, which will occur moving into future years. This request is for exemption from previous years taxes.

ii) **MOTION** – Supervisor Brown made a motion to grant the exemption since this is a non-profit organization, noting to permit it only if legally permissible to do so. Supervisor Sassu seconded the motion.

(1) Chairman Dininny noted that two years ago he requested that Mr. Onorato look into seeing if there was a way to defer payment of taxes for senior citizens, however research showed that this was not something they could legally do. Mr. Dininny would love to give the exception to the LPCC, but it must be done legally.

(2) Mr. Onorato noted that the Township could give a gift in the amount of the taxes paid back to the LPCC legally. Mr. Dunbar noted that the LPCC would be present next month to receive their annual stipend from the Township and suggested it be done at that time.

(3) **MOTION RESCIND** – Supervisors Brown and Sassu rescinded their motion and second.

iii) **MOTION** – Supervisor Brown made a motion to add the amount of taxes onto the annual stipend given to the LPCC. Supervisor Sassu seconded the motion. The motion *passed* 5-0.

#### 10) Conditional Use Hearing:

a) *Mr. Tim Kurek was present to create a complete record of testimony.*

b) Request for a conditional use for properties located at 2615 Ridge Pike & 2619 Ridge Pike, which are both zoned RPBD:

i) **MOTION** – Supervisor DiPaolo made a motion to enter into a public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

ii) Mr. Onorato reviewed the process associated with this evening's conditional use.

iii) Mr. Ed Mullin, Esq., was present to represent the applicant, WaWa Inc.

iv) The following exhibits were entered into the record during the course of the hearing:

(1) Exhibit A1 – the conditional use application and related exhibits.

(2) Exhibit A2 – a review letter from Chambers Associates dated August 27, 2007.

(3) Exhibit A3 – a review letter from Suburban Lighting dated August 24, 2007.

(4) Exhibit A4 – a mixed-use study from Montgomery County dated July 2007.

(5) Exhibit A5 – a site plan dated July 25, 2007.

(6) Exhibit T1 – proofs of publication in The Times Herald newspaper.

(7) Exhibit T2 – a review letter from McMahan Associates dated September 6, 2007.

(8) Exhibit T3 – a review letter from Schoor DePalma dated August 27, 2007.

v) Mr. Jason Korczak of Bohler Engineering, for the applicant, was called as the first witness.

vi) Mr. Casey Moore, of McMahan Associates, for the Township, was called as the second witness.

vii) Public

viii) Mr. John Wichner, of Traffic Planning & Design, for the applicant, was called as the third witness.

ix) Public Questions for the Witnesses – The following individuals had questions for the witnesses:

(1) Mr. Donald Thomas, 19 N. Trooper Road – requested that he be a party to the hearing as his parcel abuts the property in question.

(2) Mr. Earl Thomas, 22 Brant Road.

(3) Ms. Maria Bruno, 107 Oakdale Avenue.

(4) Mr. Steve Bhalala, owner of the Sunoco at Ridge and Trooper Roads.

(5) Mr. Karl Herrmann, 25 Henry Road.

x) Public Testimony – the following individuals provided additional testimony during the hearing:

(1) Mr. Earl Thomas, 22 Brant Road.

(2) Mr. Donald Thomas, 19 N. Trooper Road.

(3) Ms. Maria Bruno, 107 Oakdale Avenue.

(4) Mr. Jack Delvecchio, owner of Norristown Ford.

c) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Sassu seconded the motion. The motion *passed* 5-0.

- d) **MOTION** – Supervisor Brown made a motion to enter into an Executive Session. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- e) **MOTION** – Supervisor DiPaolo made a motion to re-enter the public meeting. Supervisor Sassu seconded the motion. The motion *passed* 5-0.

**11) New Business Continued:**

- a) Discussion on drainage swale – Vincent Drive:
  - i) **MOTION** – Supervisor DiPaolo made a motion to table this item. Supervisor Brown seconded the motion.
    - (1) Chairman Dininny noted that they need staff to do some research on this item.
    - (2) **MOTION VOTE** – The motion *passed* 5-0.

**12) Comments and Other Business:**

- a) Mr. Dunbar noted that the National Parks Conservancy and several residents have filed an appeal relating to the Living History Overlay District ordinance, and requested authorization to have staff and the Township Solicitor prepare a defense.
  - i) **MOTION** – Supervisor Sassu made a motion to authorize this request. Supervisor Altieri seconded the motion. The motion *passed* 3-1-1. Supervisor DiPaolo opposed the motion. Supervisor Brown abstained from the vote.
- b) **MOTION** – Supervisor Brown made a motion to use the \$100,000 received from the Municipal Authority to pay down the debt, as they are legally required to do. Supervisor DiPaolo seconded the motion.
  - i) Supervisor Altieri questioned if they were legally obligated to pay down the debt?
  - ii) Chairman Dininny is not aware that the money must go anywhere other than in the bank. He noted that they paid down one note last year and reviewed all promissory notes. He is unsure if the money is needed elsewhere, and indicated that this should be discussed further.
  - iii) Supervisor Brown commented that the Municipal Authority had enough money to move forward and was able to pay the \$100,000 to the Township, so they do not need this money for operations. If the money is in the general fund it will just be spent, and it should be used to pay off debt.
  - iv) **MOTION VOTE** – The motion *was denied* 2-3. Supervisors Altieri, Dininny and Sassu opposed the motion.
  - v) Chairman Dininny stated that they would need to check into this further.
  - vi) Mr. Dunbar noted that there is a budget workshop scheduled for Monday, and the budget includes the use of the \$100,000 to fund the Parks & Recreation operations for 2008. If this were not going to be permitted he would like to know prior to Monday so he can amend the budget accordingly.
- c) Supervisor Sassu commented on the Library Flamingo benefit.
- d) Chairman Dininny commented on the Lower Providence Fire Company open house during Fire Prevention Week.

**13) Public Comment:**

- a) Mrs. Eileen Kuntz, 1106 Pawlings Road, was present to express her concern regarding ongoing construction in front of her home and the potential alternative construction that may occur. Mrs. Kuntz questioned if anyone was aware of what was going on?
  - i) Chairman Dininny discussed the meeting that occurred, where both he and Mrs. Kuntz were present. He explained that the Commerce Bank traffic engineer is working on a plan that has been partially blessed by PennDOT. They were to look at all avenues to make this work and ensure that the best alternatives were considered to make the intersection safe for everyone.
  - ii) Mrs. Kuntz noted that she has tried to cooperate and be tolerant of the situation, but expressed her dissatisfaction with the progress of the construction. She has reached a point where she may want to take action to have this resolved.
  - iii) Mr. Dininny reviewed the proposal that had been discussed with Mrs. Kuntz at their meeting and asked if that was OK with her?

iv) Mrs. Kuntz indicated that it had been, she wants them to give people a way to get out of the street safely, and she wanted to express her frustration with what was going on.

**14) Adjournment:**

a) **MOTION** – Supervisor Altieri made a motion to adjourn the meeting. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0. The meeting adjourned at 10:05 p.m.

Respectfully submitted,

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Joseph C. Dunbar, Secretary