

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION
NOVEMBER 1, 2007 MEETING MINUTES**

1) Executive Session:

- a) Mr. DiPaolo called the executive session to order at 6:30 p.m., seconded by Mrs. Altieri. The following Board members were present: Mr. Dininny, Mrs. Altieri, Mr. Brown, and Mr. DiPaolo. Mr. Sassu was absent. Also present were Township Manager Joseph C. Dunbar and Solicitor David Onorato. A discussion took place on legal and personnel matters. Mrs. Altieri 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 7:35 p.m.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, Dininny, and DiPaolo.
- b) Supervisor Sassu arrived late.
- c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Director of Special Projects and Technology William Roth, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Dininny noted that an executive session was held prior to the meeting to discuss legal and personnel matters.

6) Public Participation on Agenda Items:

- a) There was no participation at this time.

7) Presentations & Commendations:

- a) Presentation to Methacton Girls 14 & U softball team for winning the 2007 Babe Ruth Mid-Atlantic Regional Championship:
 - i) Chairman Dininny read a proclamation from the Township, a copy of which was presented to each of the team members and coaches of the Methacton Girls 14 & U softball team for winning the 2007 Babe Ruth Mid-Atlantic Regional Championship.
 - ii) Senator Rafferty read and presented Senate Citations; and State Representative Vereb read and presented House of Representative Citations to the members as well.
- b) Presentation of plaque to Keith Gordon on 20 years of service with the Police Department:
 - i) Chairman Dininny and Chief Carroll presented Officer Keith Gordon with a plaque and gift from the Township in honor of his 20 years of service with the LPPD. Mr. Dininny reviewed Officer Gordon's career highlights for the audience. The Gordon family was in attendance as well.
- c) Presentation of check to Victim Services Center of Montgomery County for 2007 annual contribution:
 - i) A representative from the Victim Services Center was not present to receive their check, which will be mailed.
- d) Presentation of check to Montgomery County SPCA for 2007 annual contribution:
 - i) Chairman Dininny presented a check to a member of the Montgomery County SPCA on behalf of the Township.
- e) Presentation of check to Senior Adult Activities Center of Montgomery County for 2007 annual contribution:
 - i) Chairman Dininny presented a check to a member of the Senior Adult Activities Center on behalf of the Township.
- f) Presentation of check to Lower Providence Community Center for 2007 annual contribution:

- i) Chairman Dininny presented a check to two members of the Lower Providence Community Center on behalf of the Township.
- g) Presentation of check to Visiting Nurses Association for 2007 annual contribution:
 - i) Chairman Dininny presented a check to a member of the Visiting Nurses Association on behalf of the Township.
- h) Presentation of check to the Lower Providence Fire Company for 2007 annual contribution:
 - i) Chairman Dininny presented a check to a member of the Lower Providence Fire Company on behalf of the Township.
- i) Presentation by Peter M. Simone on draft plan for the Valley Forge Corporate Center:
 - i) Mr. Peter Simone was present to provide an overview of the Valley Forge Corporate Center (VFCC) draft plan, along with Mr. Jim Hartling and Mr. Ken O'Brien.
 - ii) Supervisor Sassu arrived at this point in the meeting.
 - iii) Mr. Simone explained that he would review the process and findings to date on the VFCC project. A similar presentation was given to members of the business center this morning. The draft plan will be available on the Township's web site for review and comment, and Mr. Simone noted that he would like input and feedback from the public. The final plan should be available for the Board of Supervisors review by mid-January.
 - (1) Mr. Simone presented his findings, reviewing the current status of the center, liabilities and assets, along with possible ideas to re-energize the campus. He noted that the Township's role is that of a catalyst and not a developer.
 - (2) Mr. Hartling provided a market analysis and discussed opportunities for growth. Mr. O'Brien reviewed the traffic flow in the area and discussed how proposed road projects will benefit the region.
 - iv) Chairman Dininny questioned how the presentation was received by the business association?
 - (1) Mr. Simone indicated that they had questions regarding who would pay for the improvements, but were overall happy the Township is taking the lead with this project. It was received positively.
 - (2) Mr. Hartling commented that he met with the four largest property owners in the corporate center. All of these owners expressed interest in expanding their investment, and all had different ideas on what they would like to do.
 - (3) Mr. Dunbar provided details of a broker's luncheon that was attended by 70 real estate brokers to discuss this presentation and distribute a marketing package on the Township. This event was very well received, with many brokers commenting that no other Township has gone to this level to promote themselves.
 - (4) Supervisor Altieri attended the broker event, and thanked the staff for the very positive feedback she received from those in attendance.
 - (5) Chairman Dininny remarked on the difficulty involved with redeveloping the corporate center because there are so many different property owners. This is a long-term vision, and while the members of the Board of Supervisors will change, the staff will still be here to be the Township's ambassadors supporting the project. Mr. Dininny believes these efforts will be fruitful for the Township and bring in new rates.
 - v) Mr. Tony Vargas, 1020 S. Trooper Road, West Norriton, questioned the impact the proposed development would have on traffic. Mr. Dunbar reviewed details of the timeframe and road improvements associated with the Betzwood Bridge replacement, Rt. 422 ramps and lane expansions.
 - vi) Mr. John Andrews, Lower Providence, commented that this plan provided sensible vision for the Township, but cautioned about the traffic impacts during the construction of the Rt. 422 road improvements.
 - vii) Mr. Brian Waxman, Pawlings Road, Chester County, questioned if traffic studies were being done on traffic coming into the area? Mr. Dunbar indicated that they were. He also noted that based on these studies, by the year 2030 the traffic volume will double.

viii) Mr. Dunbar urged those members of the audience not from Lower Providence to contact their Township representatives, as well as State and Federal representatives to urge their support of these road improvements. He noted that the transportation budget for the State covers repair and maintenance of the roads but not increasing capacity.

8) Discussions:

a) Stormwater Committee Report by John Chambers:

- i) Mr. Chambers explained that the Township's Stormwater Committee has determined that it would be premature to pass a draft or model ordinance based on the State's best management practices (BMP) manual at this point in time. This decision is based on a proposed ordinance the State is working on but will not ask municipalities to adopt until some future point in time.
 - (1) Under current Township ordinance, if more than one acre of land is disturbed during land development, an NPDS permit is required, and this permit follows the BMP manual. Rather than change the Township's current ordinance and then change it again, the committee is recommending putting this on hold.
 - (2) There is one exception to this recommendation. A minor wording change should be passed to permit naturalized basins. Once the State finalizes their ordinance, those changes and the BMP can be instituted at that time. The proposed change would eliminate low flow channels in the middle of the basin, and would require only a few sentences to be changed.
 - (3) Mr. Dunbar asked if Mr. Chambers' office would facilitate these changes? Mr. Chambers noted that he already sent a letter to Mr. Onorato and the Township regarding the proposed change on October 24th.

b) Village Commercial Committee (VCC) Report by Supervisor Christopher DiPaolo:

- i) Supervisor DiPaolo presented a PowerPoint overview on the status of the VCC's work to date.
 - (1) The first portion of the ordinance is almost ready, and will be targeted toward the Evansburg Historic Village Commercial District.
 - (2) Mr. DiPaolo reviewed the ordinance, identified opportunities for change and the committee's recommendations.
 - (3) There are six current VC districts in the Township. Mr. DiPaolo discussed these districts and the VCC's recommendations for them. Each district will have its own character. There will be several versions of the VC ordinance to address these differences, while providing certain generalized VC guidelines.
 - (4) Included in related zoning map changes are yet to be determined rezoning of the Betzwood VC district, rezoning of the Parklane & Ridge district to Ridge Pike Business District (RPBD,) and several other parcel changes to VC.
 - (5) A significant change from the current ordinance is allowing multiple structures and uses on one parcel, which is currently not permitted. Specialty retail has been removed as a general use, with more specific uses listed in its' place.
 - (6) Mr. DiPaolo noted they were awaiting final changes to the first ordinance from the Montgomery County Planning Commission (MCPC), which would then be distributed to the appropriate personnel and committees. The design and standards manual is 60% complete, and is based on existing standards and those of the RPBD.
 - (7) The VCC is structuring the ordinance to encourage retention of historic buildings by providing bonuses connected to a conditional use. Mr. DiPaolo reviewed the proposed changes relating to these bonuses.
 - (8) Mr. DiPaolo noted that they want the Board of Supervisors (BOS) to take action on this first ordinance, and they will then begin work on the gateway district.
- ii) Chairman Dininny asked if the committee had reached out to the property and business owners in Evansburg? Mr. DiPaolo note that the meetings are advertised and open to the public. Additionally they have several representatives from that district on the VCC.

- (1) Mr. Dininny suggested that perhaps the committee was at the point where Mr. Chambers and Mr. Onorato should begin to attend the meetings as they did for the RPBD to provide professional input.
 - (2) Mr. Dininny commended the work done to date, and requested that they invite the community to attend the next meeting so they are aware of what is being proposed.
 - (3) Mr. Dunbar noted that as long as Mr. DiPaolo lets him know when they are ready to invite the community he could do the mailing.
- c) On-street camper parking in Evansburg Crossing:
- i) Mr. Greg Cardacci, a resident in Evansburg Crossing, was present to discuss a problem he is experiencing with a camper parking in front of his home for extended periods of time, and with people living in this camper.
 - (1) Mr. Cardacci explained that this is a tow behind camper, 30' long and 10' high, belonging to his neighbors. They live in the trailer for several weeks each summer while it is parked on the street. He is questioning if there is any type of ordinance to prohibit such a use, noting that other surrounding Township's have a 48-hour maximum for parking a trailer on the street.
 - ii) Supervisor Sassu remarked that as long as it is a registered vehicle in PA, and there are no health issues, they could live in the vehicle under the vehicle code.
 - iii) Chief Carroll noted that there are no vehicle violations pertaining to the trailer in question. He suggested several possible areas the Township could pursue:
 - (1) An ordinance could be drafted to prohibit people from living in campers on the street as a safety violation;
 - (2) Or, parking of such vehicles could be restricted within the Township.
 - iv) Mr. Onorato has seen other Townships restrict parking for certain types of vehicles by size and / or weight.
 - v) Chairman Dininny commented that the Township has restrictions on certain types of vehicles already, and that perhaps this needs to be pursued. People should not be able to live in campers on the street.
 - vi) Mr. Sassu cautioned that the problem with restrictions is where to stop them.
 - vii) **ACTION ITEM** – Mr. Dininny asked staff to work with the Solicitor to review the Township's current ordinance and see how this situation is handled in other communities as well.
- d) Deed of dedication for 800 Adams Avenue:
- i) Mr. Dunbar explained that this item would be on the agenda for approval November 15th. This relates to a deed of dedication for a strip of free land coming to the Township. The land can be used for future connectivity up to Shannondell Blvd.
- e) Design & printing services request for proposal (RFP):
- i) Mr. Dunbar explained that at the November 15th meeting they would be requesting authorization to advertise an RFP for printing services.
- f) Application S-06-16 known as Tabor on Pinetown Road, Minor subdivision for final approval:
- i) Mr. John Hopkins from All County & Associates, and Mrs. Patty Tabor, the property owner, were present to discuss this application.
 - ii) Mr. Hopkins noted that they received a clean review letter from Chambers Associates, and will comply with all required permits and approvals for the project. All plan related issues have been addressed.
 - iii) Mr. Chambers and Mr. Siegel indicated that they were OK with the project in general.
 - iv) Mr. Siegel noted that he would work with Mrs. Tabor on the historical marker. This will look similar to the Schrack's Corner marker.
 - (1) Mrs. Tabor commented that working on the marker through the County is tedious and expensive, and she is working with the Township and Supervisor Brown to get this done. She does need help and direction on what is expected. A price of \$1,700 was suggested for the sign, and she is agreeable to contributing that amount. She is not sure about providing historical data.

- (2) Chairman Dininny asked what this sign issue was about? Supervisor Altieri noted that it was a condition of approval suggested by the Planning Commission (PC).
 - (3) Mr. Dunbar remarked that the issue should have been directed to him for assistance, he is not sure why this was directed to Mr. Brown.
 - (4) Mrs. Tabor remarked that the Township needed to decide the verbiage for the sign. She is trying to be accommodating, but this is being imposed on her. Mr. Dunbar noted that Township staff is not imposing anything on her.
 - (5) Supervisor Sassu asked if this sign could be required, legally? Mr. Onorato noted that it was a condition on the resolution that was approved for preliminary plan approval.
 - (6) Mrs. Tabor noted that the PC asked if they would do a historical survey. She was unaware of what was involved and said it could be done.
 - (7) Mrs. Altieri explained that the PC suggested documenting the house, almost like an archeological dig, and requested a marker. It is all interpretive.
 - (8) Mr. Onorato noted that it is not defined, but must be approved by the Township per the resolution. He indicated that staff could suggest an appropriate sign.
 - (9) Mr. Dunbar commented that the direction should have come from the PC. Mr. Dininny noted that the PC said to work with the PA Historical Museum Commission, however this is not in the resolution that passed. The resolution says to install a marker and collect data as requested by the PC.
 - (10) Mrs. Tabor requested direction on this. Mr. Dunbar noted that the applicant already has a demolition permit in hand for the house.
- v) Mr. Dininny remarked that this matter must be straightened out prior to coming before the BOS on November 15th.
- (1) Mrs. Tabor remarked that legally this couldn't be imposed on her. Mr. Onorato noted that this was listed as a condition for preliminary plan approval and she accepted that.
 - (2) Mr. Dunbar suggested that Mrs. Tabor attend the next Solicitor / Staff meeting to further discuss this with Mr. Siegel and the PC to clear up the matter.
 - (3) Mrs. Altieri read a portion of the PC meeting minutes relating to this matter. She remarked that the marker should be in proportion to the development and not as large as what is being proposed for Schrack's Corner.
- vi) Mrs. Tabor will attend the Solicitor / Staff meeting on November 5th at 9:30 a.m. to further discuss the matter.
- g) Permission to place a fence in a drainage easement – 4001 Bittersweet Circle:
- i) Mr. Siegel explained that he received a request from a resident to install a fence in an existing drainage easement. This is a typical standard agreement.
 - ii) Mr. Onorato indicated that this was acceptable. It will be on the agenda for November 15th.
- h) An ordinance amending Chapter 123 of the Code of the Lower Providence Township for the purposes of amending the curb construction engineering standards and repealing any inconsistent provisions therewith:
- i) Mr. Onorato explained that the Board had requested his office to prepare a curbing ordinance specifying construction materials for use within and outside of the public right-of-way, and for areas where curbing already exists.
 - ii) A public hearing for this ordinance is scheduled for November 15th.
- i) An ordinance amending Article XIII, Section 143-76 of the Code of the Township of Lower Providence relating to provisions and requirements applicable to uses on a lot or parcel in the VC – Village Commercial District:
- i) Mr. Onorato explained that this was a revision to the VC ordinance to allow day care as a conditional use. This was requested by a property owner and is not currently allowed. The Board directed his office to prepare an ordinance accordingly.

- ii) Mr. Dunbar noted that if the Board was going to be considering the new Evansburg Historical District Village Commercial District, they might want to pull everything together and have one hearing.
- iii) Supervisor DiPaolo noted that they are almost done with the Evansburg ordinance, so they could add this in to that hearing. The proposed ordinance is better than the ordinance currently on the books.
- iv) There will be a public hearing for this item on November 15th.
- j) An ordinance on amendment update to the Emergency and Municipal Services Tax (EMS) ordinance:
 - i) Mr. Onorato explained that the State has passed an act amending the current EMS tax. His office has prepared an ordinance to comply with the new State ordinance. This will change the name of the tax to Local Services Tax, but will remain at \$52. The new ordinance permits the funds to be used for more general uses, and exempts persons earning less than \$12,000 from having the money collected out of their paychecks up front. The employee no longer has to file for a refund of this tax.
 - ii) Mr. Onorato reviewed the new uses covered under the amendment.
 - iii) This item is scheduled for the November 15th meeting.

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

- a) Mrs. Leslie Bass, 39 Lee Road, commented on agenda item 2f, the Tabor subdivision. Mrs. Bass commented that the farmhouse to be demolished was in the Township's Bicentennial booklet as a historical home. She suggested the Township consider creating a historical building ordinance that spells out what is expected of a developer with a historical property. The PC could provide input on the required standards for such an ordinance.
- b) Mr. John Andrews, requested that a one-time ordinance be approved to permit viewing of the Shannondell Candidate's Forum, held October 17th. This was a debate among all Township Supervisors and School Board candidates held by the League of Women Voters. This should be broadcast on the community access channel, but was denied by the Township per their ordinance. Mr. Andrews provided a copy of his proposed ordinance.
- c) Mr. John Williams, 124 Regency Drive, commented that he was one of the candidates participating in that forum, and asked why the Township denied broadcasting this program?
 - i) Chairman Dininny commented that the denial had to deal with content being political.
 - ii) Mr. Williams noted that this was a non-partisan forum with all parties being included. Mr. Dininny remarked that since the League of Women Voters ran the forum, he would be inclined to agree with the non-partisan aspect of it.
 - iii) Mr. Dunbar noted that the Board couldn't take action on this because this is not a voting meeting.
 - iv) Mr. Onorato explained that this was denied because it would violate the Township's policy. The policy would need to be re-written. He is not sure if all candidates knew it would be televised. Mr. Williams thinks they knew it was to be televised. Mr. Onorato noted that it still violates the current policy.
 - v) Mr. Dunbar remarked that this was a violation of the policy. He was told this was a Shannondell Candidate's Forum, and not the League of Women Voters. He is not sure if this was open to the public. If it was a closed meeting that would really open up Pandora's box.
- d) Supervisor Sassu remarked that he was late because of his attendance at a scout meeting. He was invited to discuss law enforcement. He urged everyone to support the scout organization.
- e) Chairman Dininny remarked that he has received calls from Shannondell residents who would like to have their own polling place on site. There are over 1,000 residents at this location. He hopes the Board would have the Solicitor look at the process involved with possibly moving this forward.
 - i) Mr. Onorato will have his office prepare a memorandum detailing the process involved with such an action.

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 10:33 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary