

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
NOVEMBER 15, 2007 MEETING MINUTES**

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**1) Executive Session:**

- a) Mrs. Altieri called the executive session to order at 6:30 p.m., seconded by Mr. Sassu. The following Supervisors were present: Mr. Dininny, Mrs. Altieri, Mr. Sassu, Mr. Brown and Mr. DiPaolo. Also present were Township Manager Joseph Dunbar and Solicitor David Onorato. A discussion took place on legal issues. Mr. Sassu adjourned the meeting at 7:30 p.m., seconded by Mr. DiPaolo.

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

- a) Chairman Dininny called the public meeting to order at 7:32 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, Police Chief Francis Carroll, Public Works Director David Shaffer, Human Resources Coordinator Geri Golas, Accounting Manager Susan Law, 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.

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

- a) Ms. Mary Musella, 130 Evansburg Road, noted that for agenda item 4b, she is in favor of the ordinance amendment to permit the use of day care in the Village Commercial District
- b) Mr. David Gambone, 3808 Landis Mill Road, is also in favor of the change for agenda item 4b.
- c) Mr. Steven Folk, from St. James Church Buildings and Grounds Committee, is opposed to the ordinance amendment for agenda item 4b. Mr. Folk's concerns relate to the potential for water runoff onto the church's property, vibration concerns and how they will affect such an old building, and the impact this will have on the VC District and community as a whole.
- d) Ms. Rena O'Brien, Eagleville, is in favor of the ordinance amendment for agenda item 4b.
- e) Mr. John Ciabattoni, 23 Oakland Avenue, is in favor of the ordinance amendment for agenda item 4b.
- f) Mr. Joe DiDomenic, owner of Bud's Bar, is in favor of expanding the uses in the VC District, and thinks that the use of day care is an appropriate use for VC.
- g) Mr. Joe Gulatta, of Lower Providence, is in favor of the ordinance amendment for agenda item 4b.

- h) Ms. Joanne Dibuselo, 116 Level Road, is in favor of the ordinance amendment for agenda item 4b.
- i) Ms. Teresa Gambone, owns the property across the street from the proposed VC day care center, and noted that she is in favor of the ordinance amendment for agenda item 4b.
- j) Mr. Rick Moscariello, 2036 Germantown Pike, commented that he has a letter for the record, of other individuals who are in favor of the day care center. Mr. Onorato directed him to hold this until the public hearing.

**6) Consent Agenda:**

- a) **MOTION** – Supervisor Sassu made a motion to approve the consent agenda items 1a through 1c, including meeting minutes for October 18 and November 1, 2007. Supervisor Altieri seconded the motion. The motion passed 5-0.

**7) Presentations & Commendations:**

- a) Presentation to Nicholas J. LaPenta for attainment of Eagle Scout status:
  - i) Supervisor Sassu presented a plaque from the Township to Mr. Nicolas LaPenta, for attainment of Eagle Scout status. Mr. LaPenta was present with his parents, and explained the details of bird and bat houses that he constructed for installation at Mill Grove and Perkiomen Creek Park as part of his Eagle Scout project.
- b) Swearing-In of Louis Jon Ruh as a Special Fire Police Officer:
  - i) Supervisor Brown swore-in Mr. Louis Ruh as a Special Fire Police Officer.
- c) Presentation by Greater Valley Forge Transportation Management Association (GVFTMA) on services available to Lower Providence Township:
  - i) Mr. Pete Quinn of the GVFTMA thanked the Township for hosting their organization's new office in Lower Providence. Mr. Quinn provided a description of services that they provide to the public involving transportation and traffic planning.
  - ii) Mr. Quinn introduced Mr. Shane Tremble, who will manage the new office beginning in January. They are very enthusiastic about their partnership with Lower Providence.
  - iii) Chairman Dininny commented that the GVFTMA is a very helpful organization for the community, and provides an important relationship for the Township. Mr. Dininny commended Mr. Dunbar, who is on the Board of GVFTMA, for the work he has done to make sure the Township's needs are addressed properly with the 422 River Crossings Project. This partnership is important for the quality of life in the Township.
- d) Presentation by the Lower Providence Optimist Club on Respect for Law Award to Officer Mark A. Stead:
  - i) Supervisor Sassu, Mr. Tony Caruso, President of the Optimist Club, and Chief Carroll, were present to provide Officer Mark Stead with this year's Respect for Law Award. Officer Stead is the School Resource Officer at Arcola Middle School. A brief video of his work at the school was shown to the audience.

**8) Old Business:**

- a) Deed of dedication for 800 Adams Avenue:

- i) Mr. Dunbar noted that O'Neill Properties, the developer of 800 Adams Avenue, is offering the property in front of their building to the Township at no cost. This land could eventually provide valuable access to further development up the road.
- ii) **MOTION** – Supervisor Brown made a motion to accept the deed of dedication. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.
- b) Authorization to advertise design & printing services request for proposal (RFP):
  - i) Mr. Dysard requested authorization to advertise and RFP for design and printing services.
  - ii) **MOTION** – Supervisor Sassu made a motion to authorize the RFP. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- c) Application S-06-16 known as Tabor on Pinetown Road for final approval:
  - i) Mr. Siegel noted that this application is for a three-lot minor subdivision on 121 Pinetown Road. This will include demolition of the existing home and construction of two new homes.
  - ii) Chairman Dininny noted that four waivers were previously granted with preliminary plan approval.
  - iii) Mr. Siegel recommended that the cost for the required historical marker on the property not exceed \$1,700. Mr. Dunbar commented that it should be far less than that price because it is half the size of the Shrack's Corner sign.
  - iv) Mr. Chambers and Mr. Shaffer do not have any issues with the plan at this time.
  - v) **MOTION** – Supervisor Altieri made a motion to grant final plan approval with the agreement that the developer will install the historical marker. Supervisor Sassu seconded the motion. The motion *passed 5-0*.
  - vi) Supervisor Brown noted that Mrs. Tabor is also rehabbing the barn into a house.
- d) Permission to place a fence in a drainage easement – 4001 Bittersweet Circle:
  - i) Mr. Siegel explained that Mr. & Mrs. Lapin have requested permission to place a fence in the drainage easement on their property.
  - ii) Mr. Onorato noted that this is an existing stormwater easement. The property owners will have to remove the fence at their expense should the Township need to service the easement in the future.
  - iii) Mrs. Lapin provided a picture of the fence currently installed 10' from the property line, which is the same fencing to be used for the request. She explained that they would like to install the fence on their property line to have full use of their yard.
  - iv) **MOTION** – Supervisor Sassu made a motion to grant permission for the construction of the fence in the drainage easement. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- e) Discussion on NFL Grant for the construction of the football field at the Township complex by the Wolverines:
  - i) Mr. Dunbar explained that the Wolverines have a ten-year lease on the upper field of the Township complex. They are undergoing a \$300,000 construction project to create the field, stands, parking lot, concessions, restroom, etc.

- (1) As part of this, the Wolverines are seeking a \$50,000 NFL grant that requires full time project oversight. The Wolverines have asked the Township to provide assistance with that oversight.
  - (2) Staff has recommended writing a letter to the NFL in support of this project.
  - (3) They are also writing a second letter to the Wolverines with conditions on how to meet that requirement. If the Wolverines obtain NFL funding, they must bring changes to the park to the Park Board for review and uniformity with the rest of the Township complex. The Wolverines will also be required to provide a copy of their annual audit to the Township to ensure funds are spent appropriately.
- ii) Chairman Dininny asked if the Township has any liability in this? Mr. Onorato explained that they are taking on responsibility for the grant program. The agreement that must occur between the Township and the Wolverines would be necessary for oversight to take place.
  - iii) **MOTION** – Supervisor Brown made a motion to have the Township provide oversight for the NFL Grant program with the condition that the Wolverines accept the conditions outlined by the Township. Supervisor DiPaolo seconded the motion.
    - (1) Mr. Joe Ferraro, 12 Pinetree Drive, questioned how many taxpayer dollars were being spent on this oversight?
      - (a) Mr. Dininny noted that it is the Park Board’s duty to review the plans anyway, so this is not a large undertaking.
      - (b) Mr. Dunbar commented that if the money were received, it would be spent fairly quickly. The review process is the Park Board’s responsibility. The only other people who might look at this would be Ms. Law and Mr. Dunbar at minimal taxpayer expense.
    - (2) Mr. Mick Delvecchio of the Wolverines noted that they spent \$50,000 last month on this project already. The money goes back to the Township because they are upgrading the Township’s fields.
      - (a) Mr. Dininny commented that once this is constructed, it is a Township asset.
      - (b) Mr. Ferraro commented that this was a public / private relationship similar to the one with GVFTMA where a member of the BOS is on that board. Mr. Dunbar noted that none of the Supervisors is on the Executive Board of the GVFTMA, but he is on the Board of this organization to represents the Township. Mr. Ferraro stated that there is a relationship there, between a semi-private organization and taxpayer dollars.
      - (c) Mr. Dininny noted that there is also a cooperative agreement between the Township and the Ambulance and Fire companies as well.
  - iv) **MOTION VOTE** – The motion *passed* 5-0.
- f) Request for authorization to run electrical lines to bocce court:
    - i) Mr. Dunbar explained that the bocce league purchased lighting fixtures for the bocce courts, which they have been running with portable generators. While the equipment was being used to run lines for the Shoemaker House, they had

the electrician run the electric to the bocce courts. Mr. Dunbar requested that the Board authorize payment of the \$3,500 bill associated with this project.

- ii) Supervisor Brown asked if the work was done? Mr. Dunbar indicated that it was.
- iii) **MOTION** – Supervisor Brown made a motion to pay the contractor for this project. Supervisor Sassu seconded the motion. The motion *passed* 5-0.
- g) Authorization to accept RFP's for phone system:
  - i) Mr. Dysard recommended that the Board accept the proposal from Microcom SOHO Telecommunications. He indicated that they are the vendor best equipped to meet the Township's telecommunications needs.
  - ii) Mr. Dunbar noted that this was predicated on the Board approving the 2008 budget.
  - iii) **MOTION** – Supervisor Altieri made a motion to accept the RFP. Supervisor Brown seconded the motion.
    - (1) Chairman Dininny commented that the report on this was well done.
  - iv) **MOTION VOTE** – The motion *passed* 5-0.
- h) Authorization to transfer Self-insurance Fund:
  - i) Mrs. Golas requested that the Board authorize the current Self-insurance Fund, with Commerce Bank, to be transferred into the guardianship of the Township Pension Committee. Mrs. Golas explained that the Pension committee uses more aggressive investments with higher yields, which would cover any post-retirement medical benefits out of the returns.
  - ii) Chairman Dininny noted that the fund currently has a 4.5% rate of return as compared to a projected 11% rate of return.
  - iii) **MOTION** – Supervisor Sassu made a motion to authorize the transfer. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- 9) **Public Hearing:**
  - a) *Mr. Tim Kurek was present to create a complete record of testimony.*
  - b) An ordinance amending Chapter 123 of the Code of Lower Providence Township for the purpose of amending the curb construction engineering standards and repealing any inconsistent provisions therewith:
    - i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
    - ii) Mr. Onorato provided the details of changes to this SALDO ordinance for curb construction standards and requirements.
    - iii) There was no additional testimony or public comment.
    - iv) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
  - c) 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) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
    - ii) Mr. Onorato explained that this ordinance amendment was with respect to uses in the VC District, permitting the use of Day Care by conditional use only. He reviewed the conditions that would apply to this use.

- iii) Supervisor Altieri commented that 8 p.m. was rather late for a closing time, and suggested hours of 7 a.m. to 7 p.m. be considered.
- iv) Supervisor Brown indicated that he had reviewed the Township's ordinances as they relate to day care facilities. None of the districts permit day care as a use by right, but there are seven-day care centers in the Township. He reviewed the locations of these facilities.
  - (1) Mr. Brown noted that current ordinance requires day care facilities can only go into pre-existing buildings approved for childcare uses, and further reviewed the existing day care facilities in the Township.
  - (2) Mr. Brown commented that he thinks day care provides a good use in the VC District, and has no problem with this change after all the research he has done on this proposal.
- v) Public Testimony:
  - (1) Mrs. Barbara Bateman, 3811 Sumter Drive, is a member of St. James Church and opposes this change. Mrs. Bateman is concerned with preserving the aesthetics of the area and historical integrity.
  - (2) Mr. John Heyser, 80 Smith Road, commented on Mr. Moscariello's success with past preservation efforts, and stated that he feels this would be a good use in the VC District.
  - (3) Mr. Mike Comroe, 205 Pinetown Road, stated that he was speaking on behalf of the Friends of Lower Providence, and urged the Board to oppose this ordinance change. Mr. Comroe stated this is contrary to how the Planning Commission and Village Commercial Committee voted, and provided a variety of reasons for his opposition.
  - (4) Mr. Tom Borai, 5 Brenda Lane, noted that he is a member of the Village Commercial Committee (VCC), which voted 5-1 to oppose this change. Mr. Borai reviewed the process that the VCC went through with regard to this change, and provided facts on possible environmental issues nearby. Mr. Borai opposes this change.
  - (5) Mr. Steven Folk, 3915 Beth Drive, commented that they should not change the zoning law to accommodate one developer.
  - (6) Mr. Joe Ferraro, 12 Pinetree Drive, is also a member of the VCC. Mr. Ferraro commented on the purpose of VC being to promote foot traffic, which a secure and isolated day care facility does not. Mr. Ferraro opposes this change.
- vi) Mr. Onorato entered the following exhibits into the record:
  - (1) Exhibit T1 – August 21, 2007 Village Commercial Committee meeting minutes.
  - (2) Exhibit T2 – October 24, 2007 Planning Commission meeting minutes.
  - (3) Exhibit T3 – October 15, 2007 Montgomery County Planning Commission review letter.
- vii) Supervisor DiPaolo commented that he does not agree with his colleagues on this item, and believes it would be better to incorporate the day care use into the new VC ordinance rather than amending the old VC ordinance, which has problems. He noted that the VCC is trying to preserve buildings and also the scale of the buildings.

- viii) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- d) An ordinance on amendment update to the Emergency and Municipal Services Tax Ordinance:
- i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- ii) Mr. Onorato explained the background behind legislative changes to the EMS tax that requires the Board to amend it, and provided details on some of the changes to the tax in 2008.
- iii) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

#### **10) Ordinances & Resolutions:**

- a) An ordinance amending Chapter 123 of the Code of Lower Providence Township for the purpose of amending the curb construction engineering standards and repealing any inconsistent provisions therewith:
- i) **MOTION** – Supervisor Brown made a motion to adopt the ordinance. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- b) 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) **MOTION** – Supervisor Altieri made a motion to adopt the ordinance. Supervisor Brown seconded the motion. The motion *passed* 4-1. Supervisor DiPaolo opposed the motion.
- c) An ordinance on amendment update to the Emergency and Municipal Services Tax Ordinance:
- i) **MOTION** – Supervisor Sassu made a motion to adopt the ordinance. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

#### **11) New Business:**

- a) Consider approval of preliminary budget and set date of December 20, 2007 for final adoption of 2008 budget:
- i) Ms. Law presented the 2008 Budget via a PowerPoint presentation with budget highlights. She noted that this was a balanced budget with no tax increase. The \$10,700,000 budget takes a conservative approach on the developer's side, as there is less new construction than in the past. The items presented were previously discussed in the budget session, with open space funding being the largest single expense listed. Ms. Law reviewed the capital purchases by department.
- ii) **MOTION** – Supervisor Sassu made a motion to approve the preliminary budget, including the hiring of three (not two) mid-year police officer hires assigned to patrol duty that the Township Manager will have to determine how to fund, and to set the date of December 20, 2007 for the final adoption of the 2008 budget. Supervisor Altieri seconded the motion.
- (1) Supervisor Brown commented that if three and not two police officers are to be hired, this should be recommended by Chief Carroll. He asked how this number increased to three?

- (a) Chief Carroll explained that at the October 22<sup>nd</sup> Budget Meeting, Supervisor Sassu requested an analysis of staffing at the busiest times of the year. That information was provided this afternoon. As a result of the analysis, he would like to add an additional police officer based on growth and additional demand. This was not included in originally submitted budget. It was noted that over 50% of the police shifts are run at minimum staffing.
- (2) Supervisor DiPaolo questioned what revenue was, stating that it appeared they have a \$300,000 cash deficit. Mr. Dunbar stated there is not a \$300,000 deficit, what Mr. DiPaolo is not seeing is the reserve balance carrying forward, which is about \$1.4 million.
  - (a) Mr. DiPaolo commented that there is \$10.4 million tax revenue coming in, and \$10.7 million being spent, so where is the other \$300,000? Mr. Dunbar noted that there is \$1.4 million coming from the County and there is a transfer for equipment replacement out of fund 70 so the total expenditures blend together. They are not running a deficit or loss; revenues cover expenses.
  - (b) Mr. Dunbar remarked that they do need to take a serious look at how they are funding the Park and Recreation Department (P&R) through 2009. This is currently being supported by the general fund. Mr. Dunbar also reviewed 2007 revenue, which far exceeded what was budgeted for 2007, and how this carried forward.
- (3) Mr. Brown questioned what the loaded cost with benefits was for a police officer each year? This cost is approximately \$75,000 – \$50,00 for salary and \$25,000 for benefits.
  - (a) Mr. Brown questioned how this would be funded moving forward? Mr. Dunbar indicated that it could come from the general fund balance or unrestricted reserves. Beyond 2008 there are many “ifs” with regard to business development and amusement tax revenue.
  - (b) Mr. Brown commented that he does not like to have \$75,000 surprises in the budget that were not discussed during previous budget sessions.
  - (c) Chairman Dininny commented that police officers are a necessity. This is a preliminary budget and will be voted on again. Mr. Dunbar needs to see if he can fund the extra police officer.
- (4) Mr. Dunbar noted that it was staff’s intention to provide the Board and public with an updated packet reflecting year-end projections prior to the final adoption of the budget. He was not originally aware of the extra officer.
  - (a) He noted that if you discount the costs for open space in the 2008 budget, they have basically provided a flat line budget from the 2007 budget.
  - (b) Mr. Dunbar remarked that Ms. Law did a masterful job with the budget, and if the preliminary budget is approved with an additional officer they will find a way to pay for it.
- (5) Mr. Tom Borai noted that \$1 million in bills was approved tonight. He asked how close the Township currently was to the projected \$10 million

in expenditures for 2007? Mr. Dunbar noted that they have spent \$7.2 million year to date.

(6) **MOTION VOTE** – The motion *passed* 3-2. Supervisors Brown and DiPaolo opposed the motion.

- b) Request to advertise the appointment of Maillie, Falconiero & Company, LLP as the Township Auditor for the year 2007:
- i) Mr. Dunbar requested authorization to advertise the appointment of Maillie, Falconiero & Co. as the 2007 auditor to comply with MPC advertising requirements.
  - ii) Supervisor Brown asked when the next time this would go out for RFP? Mr. Dunbar noted this is usually every three years. The Board could authorize an RFP at the January re-organization meeting or whenever they want to.
  - iii) **MOTION** – Supervisor Altieri made a motion to appoint the firm of Maillie, Falconiero & Company, LLP as the Township Auditor for the year 2007. Supervisor Sassu seconded the motion. The motion *passed* 3-2. Supervisors Brown and DiPaolo opposed the motion.
- c) Authorization for Eskie Park stormwater easement agreement and work:
- i) Mr. Shaffer explained that due to an existing problem in the Eskie Park area, they are creating a stormwater easement that will direct water to the street. He is requesting authorization for the stormwater easement agreement and the work to be completed.
  - ii) Supervisor Brown asked if this would resolve the water issues at the lower end of the park? Mr. Shaffer stated that it would, and it would also help remove water from resident's yards by carrying it to the street.
  - iii) Mr. Dunbar noted that the southeast corner closest to Mrs. Eskie's house was budgeted to be fixed last year, but it was not completed and was carried forward. In 2007 there was a project labeled as the Church Road project, which will not be completed because of time restraints. This will also be carried into 2008. That project will address the southwest corner out to Highgate, which will also help residents on Deerfield and Martha.
    - (1) This is a two-step process. The Township engineer has been out there several times to review the situation.
    - (2) They will be piping the water through an easement on Mr. Sassu's property. Mr. Sassu has granted this easement at no cost to the Township. This will capture the water coming off the rear of the properties, off the back of Eskie Park, and some of the water off the back of the Eskie property and off of Deerfield.
  - iv) Mr. Brown asked if this would resolve the issues with the southwest corner? Mr. Shaffer noted that an inlet was installed at that corner to pipe the water away from the park. The proposed work should pick up water coming off the residential properties, around the playground area, and water coming off the walkway heading westerly.
    - (1) Mr. Brown noted there is a walkway that goes to Highgate that freezes over in the winter, and asked if this work would correct that problem? Mr. Shaffer thinks it will help that area.

- (2) Mr. Brown asked if the work was already started? Mr. Dunbar noted that Public Works has begun the project because they are racing against the weather and the year-end budget.
- (3) Mr. Brown requested further explanation of the work because he wanted to ensure it would correct the problem.
- (4) Mr. Chambers detailed the work to be completed; explaining that the first portion would be temporary and the second portion would be completed in 2008.
  - (a) Mr. Chambers explained that currently water drains through private property and finds its way to Deerfield. Working with Mr. Sassu they now have a route to pipe the water to Deerfield. The water in that corner of the park will be collected in a pipe and piped to Deerfield where it will go into an inlet. They will be several hundred feet from a Lower Providence storm sewer system. He has advised the Township that in a future budget they need to extend the storm sewer from this inlet and Deerfield down to the storm sewer system of the Township. Water will be picked up from the park, piped to the street, and temporarily bubble out the inlet and flow down the curb line in the street to the storm sewer system. This is a reverse inlet and will only be temporary. There could be weather conditions where this will not work. This is the first step to solving the problem.
  - (b) Mr. Chambers reviewed the second part of the solution. At the entrance to the Public Works garage and the Eskie Park parking lot there is a several acre drainage area draining onto Church Road. The Church Road storm sewer system cannot handle this runoff, so it jumps the road and goes onto private property. Mr. Chambers has recommended rebuilding the detention basin that services the garage to make it bigger and more efficient. They will also install piping to collect water from the parking area and public works garage and make better use of the basin. This will be done in 2008.
  - (c) Mr. Brown was satisfied with the explanation.
- v) Supervisor Altieri disclosed that she lives next to Mr. Sassu, and some of this water collection should benefit her property.
- vi) Supervisor Sassu disclosed that for the 2' pipes and easement going through his property he is not receiving any compensation.
- vii) Chairman Dininny remarked that this would benefit many residents in that area.
- viii) Supervisor DiPaolo asked if this would fix the problem for everyone in that area? Mr. Chambers indicated that it would work for a ten-year storm.
- ix) **MOTION** – Supervisor Brown made a motion to authorize the stormwater easement agreement and work at Eskie Park. Supervisor DiPaolo seconded the motion.
  - (1) Mr. Tom Borai commented that water was running from Highgate to Deerfield to the park, and asked how this would stop the water from Highgate?

- (a) Mr. Chambers explained that it won't stop that water, but will collect it in the park.
- (b) Mr. Dininny asked how many properties this inlet would help? Mr. Chambers believes it will help about 12 properties.
- (2) Mrs. Kathy Eskie remarked that there were no water issues when the Park was put in until the Township changed the typography. She stated that it is only through her efforts that anything has happened, but nothing is being done to address her water problems while it will help two sitting Supervisors. She asked how much this project would cost? Mr. Dunbar stated it would be \$30,000.
  - (a) Mrs. Eskie asked how much it would cost to fix her problem? Mr. Chambers noted that they have looked at her property and prepared a sketch with a swale to be constructed that will direct the water to an inlet.
  - (b) Mr. Dunbar noted that Mr. Chamber's proposal has been incorporated into phase two of the project and is budgeted for 2008. Mr. Dunbar noted that he explained to Mrs. Eskie at the beginning of tonight's meeting that a letter with this information and the sketch of the proposed work was already in the mail.
- (3) **MOTION VOTE** –The motion *passed* 3-0-2. Supervisors Altieri and Sassu abstained from the vote.
- d) Authorization to advertise accepting letters of interest for possible Board vacancies in 2008:
  - i) Mr. Dunbar noted that it has been customary to place an ad in the paper, or on the web site or community access channel to notify anyone interested in the next year's Board openings to submit a letter of interest.
  - ii) **MOTION** – Supervisor DiPaolo made a motion to advertise for possible 2008 Board vacancies. Supervisor Sassu seconded the motion.
    - (1) Mr. Tom Borai asked if the Village Commercial Committee would be added as a Board, or was it an ad hoc committee? It is an ad hoc committee.
    - (2) **MOTION VOTE** – The motion *passed* 5-0.
- e) Decision on Conditional Use Hearing – CU-07-01 for WaWa:
  - i) Mr. Onorato explained that there was a conditional use hearing for WaWa on October 18, 2007. WaWa has proposed a new WaWa store and gas pumps. Under the Ridge Pike Business District, they can have more than one use, and WaWa proposes four uses – a retail store, gas pumps, and a second retail use and restaurant in a second building.
  - ii) Mr. Onorato has prepared a recommendation for the Board listing a number of conditions to attach to the decision. The applicant will still need to go through land development and possibly the zoning board. He has tried to incorporate comments from the public and the Board that were made during the hearing.
  - iii) **MOTION** – Supervisor Altieri made a motion to grant the conditional use. Supervisor Brown seconded the motion. The motion *passed* 5-0.

## 12) Comments and Other Business:

- a) Supervisor Brown noted that he is getting regular calls from Mr. Dempsey on Smith Road regarding a flooding problem. He would like Mr. Shaffer and Mr. Chambers to meet with both himself and Mr. John Heyser on site to discuss how the flooding can be addressed. Mr. Chambers will meet with them, but noted they need to figure out how to fit this into a long-term project because it is a big project. They will need to see what short term improvements can be used in the interim.
- b) Mr. Brown noted that Eagleville School was having a special program to honor all Veterans tomorrow at 2 p.m. and encouraged people to attend.
- c) **MOTION** – Supervisor DiPaolo made a motion to prepare and advertise the Evansburg Village Commercial Ordinance, and to hold a public meeting on the ordinance in Evansburg. Supervisor Brown seconded the motion.
  - i) Chairman Dininny remarked that he has seen a preliminary ordinance and knows the VCC has been working hard on this. The next step is a public meeting and to have professional staff review it. He noted that the VCC has decided to make several VC zones, but have not provided a timeline for when that will be complete. In the interim, if people come into the Township, they have to make decisions on their plans and he hopes they respect that. Mr. Dininny stated that he is supportive of what the VCC has done so far.
    - (1) **MOTION VOTE** – The motion *passed* 5-0.
- d) Mr. Dunbar noted that on December 20<sup>th</sup> the Board would vote on the final 2008 operating budget. He requested that the Board authorize or reinstate the Act 209 Committee with 7-15 members as required by the MPC.
  - i) **MOTION** – Supervisor Brown made a motion to authorize the establishment of the Act 209 Committee. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

**13) Public Comment:**

- a) Mr. Bob Woodruff, 2058 Egypt Road, commented that for 2 ½ years his neighbor has run a business out of his home even though the Zoning Hearing Board denied the use. Now there is a large, lit sign in front of Mr. Woodruff's home. He has notified Mr. Siegel about this, and asked for assistance in removing the sign.
  - i) Mr. Dunbar noted that this was discussed with staff and the Solicitor today. They are working with the Solicitor to bring this to a swift conclusion.
  - ii) Chairman Dininny noted that Mr. Woodruff's neighbor has taken liberties, and the Township will act quickly to remove both the sign and business.
- b) Mr. Steven Folk remarked that there are significant cut-through traffic problems at St. James Church during the evening rush hour. He requested that the Police monitor this area.
- c) Mr. Chet Houseal questioned when Shannondell Blvd. would be completed?
  - i) Chairman Dininny noted that they are at 950 units, and the road must be completed prior to issuance of the 1,000<sup>th</sup> U&O permit.
  - ii) Mr. Dunbar explained that when they applied for the 800<sup>th</sup> building permit, Shannondell had to make the application to PennDOT and provide a security deposit for the road. This is to be complete prior to the 1,000<sup>th</sup> unit being completed.

iii) Mr. Houseal asked if this would run from Egypt Road to Park Avenue? Mr. Dunbar stated that is what was on the plan, however he would like to see an alternative placement of the road extending from Adams Avenue.

iv) Mr. Tom Borai asked if Mr. Dunbar was on the Board that approved the original plan? Mr. Dunbar indicated that he was.

**14) Adjournment:**

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

Respectfully submitted,

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Joseph C. Dunbar, Secretary