

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
FEBRUARY 21, 2008 MEETING MINUTES**

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**1) Executive Session**

- a) Mr. Brown called the executive session to order at 6:05 p.m., seconded by Mrs. Altieri. The following Supervisors were present: Rick Brown, Marie Altieri, Craig Dininny, Piero Sassu and Mr. DiPaolo. Also present were Township Manager Joseph Dunbar and Solicitor Dave Onorato. A discussion took place on legal and personnel matters. Mr. Brown motioned to adjourn at 7:30 p.m., seconded by Piero Sassu.

**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, DiPaolo and Sassu.  
b) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Parks & Recreation Director Kelly Donohue, Community Relations Coordinator Denise Walsh, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

**5) Chairman's Comments:**

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

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

- a) There was no participation at this time.

**7) Consent Agenda:**

- a) **MOTION** – Supervisor Sassu made a motion to approve the consent agenda items 1a through 1c, including meeting minutes for January 17, 2008, and February 7, 2008, but breaking out item 1)c)11), the fireworks for a separate discussion. Supervisor Brown seconded the motion.  
i) Supervisor Brown had two corrections to the January 17, 2008 minutes:  
(1) Under item 11)a)vi)2) the word brining should be corrected to read “bringing.”  
(2) Under item 13)b)i) the vote should be corrected to read “5-0.”  
ii) **MOTION VOTE** – The motion *passed* 5-0, with Supervisor Altieri indicating that for item C7 only her vote is no, but is yes for all other items.

**8) Presentations & Commendations:**

- a) Presentation of check on technology & equipment grant from Representative Michael Vereb to Lower Providence Township:  
i) State Representative Michael Vereb was present to provide a check for \$10,000 to the Township for use on technology and equipment. Chairman Dininny, Chief Carroll and Mr. Dunbar accepted the check on behalf of the Township.  
ii) Chief Carroll explained that a portion of these funds would be used to provide tasers to the officers in the Police Department.  
b) Presentation of check to the Lower Providence Community Center from Representative Michael Vereb:  
i) Representative Vereb presented a check for \$10,000 to the Lower Providence Community Center (LPCC). A representative from LPCC, Janet Azaara, was present to receive the check. Mrs. Azarra provided an overview of the different services her organization provides to the community.  
c) Presentation of plaques for Township Service to the following:

- i) Nancy McFarland, Zoning Hearing Board:
  - (1) Chairman Dininny presented a plaque to Mrs. Nancy McFarland for her service on the Zoning Hearing Board. Mrs. McFarland thanked the Township for the recognition, and discussed some of the many ways she has served the Township over the years.
- d) Presentation of plaque to Michael Pye for 27 years of service with the Lower Providence Township Fire Police:
  - i) Chairman Dininny presented a plaque to Mr. Michael Pye for his 27 years of service as a LPT Fire Police officer. Mr. Pye expressed his thanks to the many people and organizations that he has worked with during those years.
- e) Swearing-in of the following Fire Police Officers:
  - i) Chairman Dininny administered the oath of office to the following Fire Police Officers:
    - (1) Fire Police Captain Jordan P. McCourry
    - (2) Fire Police Lt. Susan Persing
    - (3) Fire Police Sgt. Tyrone Johnson
    - (4) Fire Police Officer Lou Ruh
    - (5) Fire Police Officer Steve Herbst
    - (6) Fire Police Officer Charles Goffer
- f) Presentation by Tony Jost, President of Superior Tube Company on notification of application for minor operating permit modifications:
  - i) Mr. Tony Jost, President and CEO of Superior Tube Company, was present to affirm that Superior Tube has applied to the DEP for a minor permit modification. The application was submitted on February 13, 2008, and they are anticipating a favorable decision from the DEP after the 21-day public comment period is complete.
  - ii) Mr. Jost explained that Superior Tube has two components conveyed in the permit modification that they have done over the past twelve months:
    - (1) Superior Tube has achieved and surpassed the requested 30% reduction in TCE emissions with a greater than 60% reduction in emissions. This was done through a series of projects, three of which accounted for 52% of those reductions.
    - (2) The major project Superior Tube has worked on involves the total elimination of using TCE in their plant operations. This project is scheduled for completion from April 12<sup>th</sup> through April 21<sup>st</sup>, pending authorization from the DEP to proceed.
  - iii) Chairman Dininny applauded Superior Tube's efforts and thanked them for being a good neighbor and corporate citizen to this community. He noted that there are no restrictions from the Federal or State DEP regarding TCE use by narrow tube manufacturers, and Superior Tube has done this for the community.

**9) Old Business:**

- a) **MOTION** – Supervisor Sassu made a motion to amend the agenda, and insert the approval of the 2008 fireworks contract as Old Business item 2b.1. Supervisor Brown seconded the motion. The motion passed 5-0.
- b) Discussion on upcoming circus event:
  - i) Ms. Donohue explained that she met with residents to discuss their thoughts and concerns on the proposed circus. She noted that because of a lack of marketing time, they would probably not hold a circus this year, but try for next year. Unfortunately this circus usually only comes to PA every 3-5 years, but she will try to see if they can come next year.
  - ii) Mr. Dunbar emphasized the efforts by Ms. Donohue to reach out to residents on this project, from mailings, a public meeting, and actually going and meeting with residents in their homes. This was a collaborative effort with Upper Providence Township, and hopefully they will be able to bring it to the Township in the future.
  - iii) Supervisor Brown suggested that Ms. Donohue contact Jackie Rittenhouse at the Fire Company, because they held a circus on their grounds in the past.

- c) Waiver request from Section 123-4 of the Subdivision & Land Development Ordinance for the construction of an ADA walking path and fishing pier at Hoy Park:
- i) Ms. Donohue explained that this is a budgeted item for 2008, and she is requesting a waiver from SALDO requirements for the project.
    - (1) **MOTION** – Supervisor Brown made a motion to grant the waiver request. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- d) Approval of 2008 fireworks contract:
- i) Ms. Donohue is recommending that the Board approve a contract for this year’s fireworks to Schaffer Pyrotechnics. This was the firm used last year, and they have provided great service to the township. Ms. Donohue noted that the contract is for \$9,975, which represents a 5% increase from last year’s contract.
    - (1) **MOTION** – Supervisor Altieri made a motion to approve the fireworks contract. Supervisor Sassu seconded the motion. The motion *passed 5-0*.
- e) Authorization to proceed with Ridge Pike Video Project:
- i) Chief Carroll commented that he would like to proceed with budgeted items for the Ridge Pike Video Project. This covers four intersections at Trooper Road, Park Avenue, Eagleville Road and Mt. Kirk Avenue.
  - ii) **MOTION** – Supervisor Altieri made a motion to authorize proceeding with the Ridge Pike Video project. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- f) Letter from Verizon requesting waiver of connectivity requirements:
- i) Mr. Dunbar reviewed the Verizon request to waive Township connectivity requirements. The current process includes three separate permits: a \$50 application fee, a road opening and right-of-way fee, and a \$50 connectivity inspection fee. The Township does not charge or inspect for cable installations, and Verizon has agreed to provide indemnity to the Township for any problems. This will save residents from paying \$50.
  - ii) **MOTION** – Supervisor Brown made a motion to grant the waiver from connectivity requirements. Supervisor Sassu seconded the motion.
    - (1) Supervisor Brown suggested asking Verizon to sponsor the fireworks. Mr. Dunbar explained that they already sponsor Kid Culture events for the Township.
    - (2) Mr. Tom Borai commented that he just paid \$29.99 for a fios connection from his house to a pole. Mr. Dunbar noted the charge in question is for underground lines.
    - (3) **MOTION VOTE** – The motion *passed 5-0*.
- g) Authorization to proceed with on-going stormwater concerns on 3837 Vincent Drive:
- i) Mr. Dunbar explained that this is an ongoing Public Works project that began about a year ago. There is a swale outside of the easement on the plan. The developer moved the swale to prevent removal of mature trees. They are looking into moving the swale closer to the easement area. Mr. Dunbar is requesting that the board authorize a \$2,500 expenditure to have the Township Engineer survey this area.
  - ii) **MOTION** – Supervisor Brown made a motion to move forward with this project. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.
- h) Authorization to sign agreement with Hough Associates to collect 2007 residential and commercial for recycling data and prepare PA DEP 904 Recycling Grant Application for Lower Providence Township:
- i) Mr. Dunbar noted that several years ago the Township prepared the DEP Recycling Grant in-house to save money. They found that they could not prepare this as well as Hough Associates, who increased their proceeds from the grant from \$50,000 to \$85,000.
  - ii) **MOTION** – Supervisor Altieri made a motion to authorize the 2008 agreement with Hough Associates. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- i) Conditional Use Decision on application S-07-13 for 3826 Germantown Pike, major land development plan:
- i) Mr. Onorato has completed the conditional use decision for S-07-13, and it is ready for action.

- ii) Mr. Joseph McGrory, Esq., the applicant's attorney, indicated that he has no problems with these conditions or with the resolution for the application.
- iii) **MOTION** – Supervisor Altieri made a motion to approve the conditional use decision. Supervisor Brown seconded the motion. The motion *passed* 4-1. Supervisor DiPaolo opposed the motion.
- j) Application S-07-13 for 3826 Germantown Pike for preliminary and final plan approval – Moscariello:
  - i) Mr. Siegel explained that this was a preliminary and final plan for a proposed daycare center and small 3,000 sq. ft. retail facility on Germantown Pike. The applicant should have clean review letters on this project.
  - ii) Mr. Dunbar noted that he was just notified by the County today that they do not want curbs installed along Germantown Pike in this area.
  - iii) Mr. Chambers explained that he had a meeting yesterday with the County and the developer to determine what improvements would be installed in front of the building. The County originally wanted that road to be widened to four lanes, but later indicated that they did not want any road widening or curb installation. The County is concerned with water drainage, as there is currently no problem and no public improvements exist at this time. He noted that the Township could request an escrow for this should it be come a regional requirement.
  - iv) Chairman Dininny commented that they defer to the State and County on their roads, and asked if the applicant now needs a waiver for this item? A waiver is needed, and Mr. McGrory submitted a waiver request letter at this time.
  - v) Mr. Chambers explained that the County is against the curbs because currently the water goes off the road into a swale on Mr. Moscariello's property, which the curbs would prevent.
  - vi) Mr. Onorato recommended waiving the curbs to the extent required by the County.
  - vii) Supervisor Sassu asked if Mr. Moscariello would have water problems as a result of this? Mr. Moscariello indicated that the water runs through the property and is not a problem.
  - viii) Mr. Siegel, Mr. Chambers and Mr. Dunbar all indicated that they did not have any other issues with this application.
  - ix) Supervisor DiPaolo asked if the County was saying they do not want curbs in all of Evansburg? Mr. Chambers indicated this was not the case; they are just concerned with how the water currently drains. A regional approach to water and curbs will have to be decided upon.
  - x) Mr. Dunbar asked if they would be receiving something in writing from the County relating to this curbing situation? Mr. Chambers indicated they would.
  - xi) **MOTION** – Supervisor Brown made a motion to grant a waiver from Section 123-33.B, curbing installation. Supervisor Sassu seconded the motion. The motion *passed* 4-0-1. Supervisor DiPaolo abstained from the motion.
  - xii) **MOTION** – Supervisor Altieri made a motion to grant preliminary and final plan approval for this project. Supervisor Brown seconded the motion. The motion *passed* 4-0-1. Supervisor DiPaolo abstained from the motion.
- k) Approval to purchase video equipment cameras, cables & audio equipment using the PA State Contract and also to contract for professional services to record the meetings:
  - i) Mr. Dunbar explained that this is a budgeted item for 2008, and was tested last July during a public meeting for the ARC. The video taping of Board meetings will begin in April 2008.
  - ii) **MOTION** – Supervisor Altieri made a motion to approve the equipment purchase and contract. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- l) Authorization for trip to Washington D.C. re: 422 project:
  - i) Mr. Dunbar reviewed the previous trip to Washington to lobby for funds for the Rt. 422 road improvement project. A second trip is scheduled for February 26, 2008, with costs being split between Lower Providence, West Norriton and Upper Merion. In addition to Mr. Dunbar, Mrs. Altieri, Mr. Dininny and Chief Carroll will go on the trip.

- ii) **MOTION** – Supervisor Brown made a motion to approve the trip expenses. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- m) Associate membership to join the Lower Providence Road & Gun Club for the Police Department:
  - i) Mr. Dunbar explained that the Lower Providence Police Department would like access to the Lower Providence Rod & Gun Club (LPRGC) for recertification purposes. LPRGC has offered an associate membership to the police department. The Police will use this membership for a total of about eight days per year. Mr. Dunbar is requesting that they be allowed to accept and pay for the membership.
  - ii) **MOTION** – Supervisor Sassu made a motion to accept and pay for the membership. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- n) Authorization for appointing members to Act 209 Committee:
  - i) Mr. Dunbar requested that the Board reappoint the Act 209 Committee to revisit the Township’s TIF. By law this committee must have 40% representation by the developer community. Mr. Dunbar would like authorization for the following individuals to be appointed to this committee:
    - (1) Non-voting members would include: Jeanne Holland from the Montgomery County Planning Commission, Casey Moore from McMahan Associates, David Onorato, the Township Solicitor, and Mr. Dunbar.
    - (2) Voting members from the developer community would include: Mr. John Forde of Berwind Property Group, Brian Keaveney of Pennoni Associates, Americo Moscariello of Moscariello Construction Inc., and John Neilson of Audubon Land Development.
    - (3) Voting members from the Planning Commission and Township representatives include: Marie Altieri, Tom Endlich, Mark Kuberski, Joseph Stemple, and Michael Siegel.
  - ii) The meetings would occur at 6 p.m. prior to the regularly scheduled Planning Commission meetings, and it is hoped they can wrap this up in a few months.
  - iii) **MOTION** – Supervisor Altieri made a motion to authorize appointment of the above named members to the Act 209 Committee. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- o) Discussion and approval of mission statement for grant applications:
  - i) Mr. Dunbar explained that Mr. Dysard has been working on grant applications, and there is often a requirement for a Township Mission Statement. Mrs. Walsh has prepared a statement, which was read out loud. Chairman Dininny commented that this was well written, and to commend staff.
  - ii) **MOTION** – Supervisor Altieri made a motion to approve the mission statement. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

**10) Ordinances and Resolutions:**

- a) A resolution supporting a polling place at Shannondell:
  - i) Chairman Dininny read the resolution in support of a new polling place to be located at Shannondell.
  - ii) **MOTION** – Supervisor Brown made a motion to adopt the resolution. Supervisor Sassu seconded the motion. The motion *passed* 5-0.
- b) A resolution for 2008 design & printing services:
  - i) Mr. Dunbar noted that as requested at a prior meeting, staff prepared an RFP for printing services. The staff’s recommendations were forwarded to Mr. Onorato for review.
  - ii) Mr. Onorato explained that out of twelve RFP’s only three received responses. The RFP requires an advance guarantee on printing prices. None of the individual projects exceeded \$10,000, which would require they be advertised for public bid. The Township is within their right to use a printer as the need arises. Mr. Onorato explained that staff went over and above the requirements in obtaining these three RFP’s. Mr. Onorato has prepared a contract that the printer will guarantee their prices in the RFP, and the Township can cancel the agreement providing ten days notice is given.

iii) **MOTION** – Supervisor Sassu made a motion to adopt the resolution. Supervisor Altieri seconded the motion. The motion *passed* 3-2. Supervisors Brown and DiPaolo opposed the motion.

**11) Comments and Other Business:**

- a) Supervisor DiPaolo requested that Mr. Dunbar check with the County on the Germantown Pike expansion comments. The last minute change with regard to curbing bothers him, and is not consistent with curbing required of others along Germantown Pike in this past year.
- i) Mr. Dunbar agreed with Mr. DiPaolo, noting that there appears to be a disconnect in the County review letter process between their land development and transportation sides. He discussed this matter with Leo Bagley today, and Mr. Bagley was going to review what occurred. Mr. Dunbar requested an explanation in writing from the County.
- ii) Supervisor Brown commented that if the County plans to run four lanes through Evansburg, the Township needs to know.
- b) Supervisor Brown announced that tickets are on sale for the Library's annual fundraiser to be held March 29, 2008.

**12) Public Comment:**

- a) Mrs. Eileen Kuntz, Pawlings Road, thanked the Board and Township for their support on behalf of the Lower Providence Community Center. She discussed other programs that the organization has provided, and stated that \$10,000 goes a long way to helping them provide their services.
- b) Mr. Tom Borai asked if the Township meetings would be aired on the new Fios channels as they are on Comcast? Mr. Dunbar explained that the Township has already submitted a request in writing to Verizon to provide the meetings. 60 days notice is required.
- i) Mr. Borai asked if the County wanted curbs installed along Germantown Pike at some point in the future, would the County then be responsible to pay for those curbs? Mr. Onorato indicated that they would.

**13) Adjournment:**

- a) **MOTION** – Supervisor Brown made a motion to adjourn the meeting. Supervisor Sassu seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:50 p.m.

**Next Work Session Meeting:** March 6, 2008

**Next Business Meeting:** March 20, 2008