

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
MARCH 20, 2008 MEETING MINUTES**

1) Executive Session:

- a) Mr. Sassu called the executive session to order at 6:35 p.m., seconded by Mr. Brown. The following Supervisors were present: Mr. Sassu, Mrs. Altieri, Mr. Dininny and Mr. Brown. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Onorato. Mr. DiPaolo arrived late. A discussion took place on legal 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, 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 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 Altieri made a motion to approve the consent agenda items 1a through 1c, including meeting minutes for February 21, 2008, and March 6, 2008. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0, with Supervisor Sassu indicating that for approval of the March 6, 2008 meeting minutes he abstains, but is a yes for all other items.

8) Presentations & Commendations:

- a) Presentation of check for Methacton Post Prom Committee:
i) Chairman Dininny presented a check to the Co-Chairmen of the Methacton Post Prom Committee.
- b) Swearing-In of Fire Police Officer Keith Mesorole:
i) Chairman Dininny administered the oath of office to new Fire Police Officer Keith Mesorole.

9) Public Hearing:

- a) **MOTION** – Supervisor Brown made a motion to enter into a public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- b) *Mr. Byron Battle was present to take a complete record of testimony.*

- c) An ordinance amending the Zoning Map attached to and incorporated in Chapter 143 of the Code of the Township of Lower Providence deleting a certain tract of land from the Institutional Overlay District (INO) for Collegeville Inn:
- i) During the course of the hearing, the following exhibits were entered into the record:
- (1) Exhibit T1 – Proofs of publication and notices of advertisement in the Times Herald.
 - (2) Exhibit T2 – Letters of notification to the property owner dated February 11, 2008.
 - (3) Exhibit T3 – Certificate of posting of the property, one page.
 - (4) Exhibit T4 – A copy of the advertisement from the Times Herald.
 - (5) Exhibit T5 – A Montgomery County Planning Commission (MCPC) review letter dated February 21, 2008.
 - (6) Exhibit T6 – Draft meeting minutes from the February 23, 2008 Lower Providence Planning Committee meeting.
 - (7) Exhibit Organtini 1 – copies of petitions in support of removal of the INO.
- ii) The members of the Board of Supervisors had no comment on the ordinance.
- iii) Public Comment:
- (1) Mr. Frank Bartle, Esq., was present to represent the Collegeville Inn Conference Center and Training Facility Inc. Also present were Mr. Joseph Roberts, President of the Collegeville Inn, and Mr. Robert Basile, the project engineer.
 - (a) Mr. Bartle discussed the current and proposed zoning for the parcels in question, and noted that they submitted a Conditional Use Application with a 90-day extension late this afternoon. This application allows the plan to be vested with the old zoning.
 - (b) Mr. Bartle explained that if the INO is removed, they are locked into the submitted plan and will be unable to modify it to accommodate any future Township requests. He requested that the Township table this evening's matter to allow the Conditional Use process to occur.
 - (c) Supervisor Sassu asked if the applicant was aware of a sportsman's club that has been located on Pechan's Mill Road for many years? Mr. Bartle noted they were.
 - (d) Chairman Dininny asked if the INO were not repealed, might there be some discussions that would reduce the use of the land? Mr. Bartle indicated they were vested with this plan and would be unable to change it were the INO removed.
 - (e) Supervisor Brown asked if they would develop properties on both sides of Pechan's Mill Road? Mr. Bartle indicated that they would not, just parcels at 3974 and 3976 Ridge Pike.
 - (f) Supervisor DiPaolo asked if the traffic study took into account upcoming change to the Collegeville Bridge? Mr. Bartle explained that he just received the study late this afternoon, and had not reviewed it yet. Supervisor DiPaolo clarified the plan calls for 90 age restricted independent living units and 96 assisted living units, which it does.

- (g) Supervisor Brown asked if the filed plan takes access onto Ridge Pike, and if they would be unable to change that if the INO were removed? Mr. Bartle again indicated he had just received the plan and had not had time to review them, but noted they were vested with this plan and limited in making changes.
- (h) Mr. Dunbar noted that the Township received the plan at 3:45 p.m. today, and staff had not had time to review the plan either.
- (2) Mr. Matt Copley, 3972 Ridge Pike, commented that his property also has the INO on it, and he does not want the INO removed. He would eventually like to put a business on this property, which is located on Ridge Pike and is a commercial area.
- (3) Ms. Sharon Claycomb, 13 Pechan's Mill Road – is concerned with a large, empty retirement building and is in support of removing the INO.
- (4) Mr. John Organtini, 79 Pechan's Mill Road – submitted petitions in support of removing the INO, noting there were about 20 members of the audience in support of the INO removal. He is concerned with traffic safety and flooding.
- (5) Mr. Joe Swider, 53 Pechan's Mill Road – is in favor of removing the INO, and is concerned with wildlife.
- (6) Mrs. Jean Regar, 18 Level Road, is concerned with having an archeological exploration of the property, is concerned with wildlife, and supports removing the INO.
- (7) Mr. Dustin Regar, 18 Level Road, read from an e-mail on behalf of Lori Costanza, 80 Pechan's Mill Road, in support of removing the INO.
- iv) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Sassu seconded the motion. The motion *passed* 5-0.
- v) The hearing lasted 45 minutes.

10) New Business:

- a) An ordinance amending the Zoning Map attached to and incorporated in Chapter 143 of the Code of the Township of Lower Providence deleting a certain tract of land from the Institutional Overlay District (INO) for Collegeville Inn:
 - i) Chairman Dininny expressed his opinion that it would be prudent to table this item
 - ii) **MOTION** – Supervisor Sassu made a motion to table the ordinance, and have the County, who proposed these changes, come to discuss them with the Board. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
 - iii) Chairman Dininny remarked that the Board needed to consider the public testimony, and review the plans submitted today. He noted that if the INO is removed, the residents might be stuck with a plan that is exactly what they do not want. He also indicated that they want the County to come in and talk to the Township regarding this change.
- b) Authorization to advertise a Conditional Use Hearing for 3260 & 3264 Ridge Pike for April 17, 2008 – Turkey Hill Gas Station & Convenience Store:
 - i) **MOTION** – Supervisor Sassu made a motion to authorize the advertisement. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- c) Request for driveway extension on 33 Sandown Road:

- i) Mr. Siegel explained that a resident was cited for installing a wider driveway than is permitted by code. Court action was taken and the resident has paid a \$600 fine. The resident is here to request a waiver for the driveway width.
 - ii) Mr. James Semler, 33 Sandown Road, explained that he asked for bids to extend his driveway to accommodate a travel trailer. His contractor completed the driveway work without a permit, and the installed driveway exceeds the 20' maximum width by three feet. He apologized for this error, and requested a waiver for the driveway width.
 - iii) Supervisor Brown asked if any of the neighbors had a problem with the trailer? Mr. Semler noted that it had been there for almost a year and he has not had any complaints. Mr. Dunbar confirmed the Township had not received complaints.
 - iv) **MOTION** – Supervisor Brown made a motion to grant a waiver from the 20' driveway width. Supervisor DiPaolo seconded the motion.
 - (1) Supervisor Sassu asked why Mr. Semler did not comply with proper procedure for installing the driveway and seeking a waiver? Mr. Semler indicated that he had dropped the ball.
 - (2) **MOTION VOTE** – The motion *passed* 4-1. Supervisor Sassu opposed the motion.
 - (3) Chairman Dininny commented that while it is sometimes easier to ask for forgiveness, in the future this should not occur again.
- d) Request on waiver on driveway separation for Rondo-Pak, Inc.:
- i) Mr. Siegel explained that Rondo-Pak is a medical package manufacturer in the corporate park, and they are seeking a waiver to extend their driveway for a recycling dumpster.
 - ii) Mr. Leslie Barr, from Robert Lamb Engineering, noted that they are 38' from the existing neighboring driveway, and code calls for a 200' separation.
 - iii) **MOTION** – Supervisor Altieri made a motion to grant the waiver request. Supervisor Brown seconded the motion. The motion *passed* 5-0.
 - iv) Mr. Dunbar noted that this allows the company to stay in the Township and remain competitive; otherwise they would have had to move to a new location.
- e) Authorization to prepare and advertise Village Commercial Zoning Map changes:
- i) Supervisor DiPaolo explained that the Village Commercial Committee (VCC) is trying to wrap up their work. They have completed the map and the Evansburg VC ordinance, and hope to have the rest completed soon. He would like to authorize staff to prepare an advertisement with the recommended map changes and text amendments.
 - ii) **MOTION** – Supervisor Brown made a motion to authorize the advertisement. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- f) Approval of policy and guidelines for rebroadcast of Board meetings:
- i) Mr. Roth explained that the Board had an updated copy of the policy that was reviewed at the March 6, 2008 meeting.
 - ii) Chairman Dininny read portion of the policy to the audience.
 - iii) Supervisor Brown questioned what technology would be used to tape the meetings, and how long the medium could be reused without degradation

quality? Mr. Roth indicated they would use Digital Video tape, and would not reuse them to the point in would impact quality.

- iv) **MOTION** – Supervisor Altieri made a motion to approve the policy. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- g) Approval of Asphalt Paving System Inc. agreement:
 - i) Mr. Onorato explained that the Board needed to approve the arbitrator agreement for an issue between the contractor and the Township that occurred in 2006. The contractor made numerous changes that were not in the contract, and the Township disagreed with these changes, hence arbitration was used. The Township will pay \$198,000.96 in agreed upon fees for the 2006 roadwork.
 - ii) **MOTION** – Supervisor Altieri made a motion to approve the agreement. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.
- h) A resolution on the mileage rate for personal use of automobile on Township business:
 - i) Mr. Onorato explained that this resolution would allow the Township to adopt any IRS changes for automobile reimbursement without further Board action.
 - ii) **MOTION** – Supervisor Sassu made a motion to adopt the resolution. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- i) Letter to Board of Supervisors from Jean Bochnowski, Director of John James Audubon Center at Mill Grove re: request for waiver of permit fees for installation of a heating / air conditioning system in the barn, construction of a pavilion, relocation of dumpster, and creation of new gardens:
 - i) Mr. Siegel explained that the Board received an application for the pavilion at Mill Grove in December and waived land development at that time. Mill Grove is now seeking a waiver for building permit fees for the pavilion and installation of air conditioning in the barn. He estimates these fees to be \$1,200.
 - ii) **MOTION** – Supervisor Altieri made a motion to waive the requested fees. Supervisor DiPaolo seconded the motion. The motion *passed 4-0-1*. Supervisor Brown abstained from the vote.

11) Comments and Other Business:

- a) Supervisor Brown had several matters to address:
 - i) **MOTION** – Supervisor Brown made a motion to nominate Colleen Eckman to fill the vacancy on the Park & Recreation Board. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
 - ii) **MOTION** – Supervisor Brown made a motion to authorize Mr. Onorato to represent the Township at a Zoning Hearing Board hearing in opposition of Z-08-04, 2018 Blackbird Circle, for a home occupation where the owner does not reside in the building. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.
- b) Mr. Onorato explained that for a development on Forest Lane, the houses are complete however the developer has not installed the wearing course on the roads. He would like authorization to take the required action needed as per the MPC.

- i) **MOTION** – Supervisor Altieri made a motion to authorize the Township Solicitor to take the appropriate action. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- c) Chairman Dininny noted that a page would be set-aside in the minutes in memory of Sarah Jane Alderfer Yeager.
- d) Mr. Onorato explained that they have been trying to work out an arrangement between two property owners on Woodlawn Avenue. The owner of 2730 Woodlawn Avenue has refused to pay for the necessary evaluation and work on the property. Mr. Onorato is requesting that the Board authorize the Township Engineer to do this work at the Township’s expense so they have it for the hearing.
 - i) **MOTION** – Supervisor Brown made a motion to authorize the engineering work as directed by the Township Solicitor. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*.

12) Public Comment:

- a) Mrs. Eileen Kuntz, Pawlings Road, commented that there has been confusion over the entrance to Commerce Bank, and people are using her driveway. They are speeding up the driveway, and on four occasions have made sharp left turns and jumped the curb to avoid an accident. She requested that the Township take action on this as soon as possible.
 - i) Mr. Siegel indicated that there was a meeting scheduled for March 26, 2008 with the Township, TP&D, and McMahon to discuss the matter. Mr. Dunbar stated that they must resolve the matter at that meeting.
- b) Ms. Colleen Eckman thanked the Board for appointing her to the Park & Recreation Board.

13) Adjournment:

- a) **MOTION** – Supervisor Sassu made a motion to adjourn the meeting. Supervisor Brown seconded the motion. The motion *passed 5-0*. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary

In Memoriam for
Service to Lower Providence Township

Sarah Jane Alderfer Yeager