

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION
AUGUST 7, 2008 MEETING MINUTES**

1) Executive Session:

- a) Mr. Sassu called the executive meeting to order at 6:30 p.m., seconded by Mr. Brown. The following Supervisors were present: Mrs. Altieri, Mr. Brown, Mr. Dininny, Mr. Sassu and Mr. DiPaolo. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Onorato. A discussion took place on legal, real estate and personnel matters. Mr. Sassu adjourned 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, DiPaolo and Sassu.
- b) Also present were Solicitor David Onorato, Township Engineer John Chambers, Parks & Recreation Director Kelly Donohue, Project Analyst Nate Dysard, Director of Special Projects and Technology William Roth, Building Code Official Sinclair Salisbury, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Dininny pointed out that artwork on loan from the John James Audubon Center at Mill Grove has been hung in the back of the auditorium.
- b) Chairman Dininny also commented on the Babe Ruth 12U Softball World Series being held in Lower Providence Township at the Audubon Recreation fields, featuring teams from all across the country. He also displayed an award that was presented to the Township by the team from Angola, IN., depicting an obelisk located in their town square.
- c) Chairman Dininny noted that this was a work session, not a business meeting, and explained the format. He also announced that an executive session was held prior to the meeting to discuss legal and personnel matters.

6) Public Participation on Agenda Items:

- a) Candy Allebach, 439 Eagleville Road, commented on Agenda Item g, Arcola Middle School Traffic Signal Plan & PennDOT HOP. Ms. Allebach said that residents in close proximity to the proposed signal have been asking for a public hearing on the signal, but were told by the school district that it is not required to have a hearing and by PennDOT that it is not their project. She also discussed a back access road into Arcola.

7) Discussions:

- a) Commerce Bank – Lark Lane Requirement:
 - i) Mr. Dunbar explained that traffic counts before construction began and taken since its completion show that there has been a reduction in cut-through traffic and there may not be a need for speed humps. Letters had been sent to the

affected residents asking for input on the speed humps and no Township resident has requested speed humps for Lark Lane. Mr. Onorato said that a conditional use decision for Commerce required the speed humps at the Township's direction and it would be within the Board's power to waive the requirement.

- ii) This item will be placed on the August 21 agenda.
- b) Penn Liberty Bank – Sidewalk Agreement:
 - i) Mr. Onorato explained that the Penn Liberty land development agreement requires them to construct sidewalks along the entire frontage of their property. Currently, the sidewalks stop approximately 20 feet from either side because of safety issues. The agreement would allow this and require Penn Liberty to build the additional sidewalks when the adjacent properties are developed.
 - ii) This item will be placed on the August 21 agenda.
- c) Deed of Consolidation on Township Parcels:
 - i) Mr. Onorato said that the Township owns a number of parcels on the Township complex and it is the desire of the Township to consolidate them under one deed. Chambers Associates prepared the necessary legal description and Mr. Onorato's office prepared the deed of consolidation.
 - ii) This item will be placed on the August 21 agenda.
- d) CVS Letter of Credit Release/Conditional Use Requirement:
 - i) Mr. Dunbar said that at the time of the original approvals for the CVS project, there was a conditional use requirement that the developer install a Jersey barrier to protect the Audubon Inn and to affix a stone veneer on the barrier. However, PennDOT has not authorized the stone veneer.
 - ii) Sandra Kugler, representing CVS, said that they were delighted to be part of the re-use of the site and noted that it's not a typical prototype CVS. She said that initially it was thought the Inn would have to be demolished but they were able to work with the Township and the neighbors to preserve the Inn. Ms. Kugler said that the Jersey barrier protecting the Inn needs to have a smooth surface for safety purposes. She said that CVS has received approval from PennDOT for use of an epoxy paint that matches the stone on Audubon Inn. This is the only closeout item and CVS is asking the Board to accept the paint as appropriate compliance in lieu of the veneer.
 - iii) Mr. Brown expressed concern about the paint peeling and chipping. Ms. Kugler said the paint will stand up. Mr. DiPaolo asked if CVS will maintain the barrier going forward. Ms. Kubler said it would.
 - iv) Chairman Dininny thanked CVS, Commerce Bank and all of the community. Although the project was contentious and drawn out, he said, it has resulted in reduced traffic counts and looks fantastic. He asked if Mr. Fury and Mr. Baldassari, owners of the Inn, were in agreement concerning the paint. They said they were.
 - v) This item will be placed on the August 21 agenda.
- e) Joint Township & Sewer Authority Consultant Services Agreement
 - i) Mr. Dunbar said that presently developers have to file a developer's agreement with the Township to allow the Township to recapture professional

consultant fees. As part of the process, developers also have agreements with the Sewer Authority. He said that both developers' agreements have been combined into one unified agreement for the Board to consider.

- ii) This item will be placed on the August 21 agenda.
- f) Dedication of Forest Lane:
 - i) Mr. Dunbar said that the letter to take dedication of Forest Lane will be placed on the August 21 agenda subject to the final review and sign-off by the Solicitor's office.
- g) Arcola Intermediate School Traffic Signal Plan & PennDOT HOP:
 - i) Mr. Dunbar said that this item would be placed on the August 21 agenda, barring any other direction from the Board, for the Board's authorization to execute the HOP signal permits agreement between the Township and PennDOT.
 - ii) Mr. Brown address Ms. Allebach's Public Participation comments. He asked if she had talked to other residents about the traffic that would be generated should the back access road, connecting to Middle School Road, be opened.
 - iii) It was determined the back access road is on school property and is not a Township road.
- h) Escrow Release #1 for Providence Place in the amount of \$51,248.62:
 - i) Mr. Dunbar said this item will be placed on the August 21 Consent Agenda.
- i) Escrow Release for Kelly Corda in the amount of \$5,377.32:
 - i) Mr. Dunbar said this item will be placed on the August 21 Consent Agenda.
- j) Escrow Release for Catherine Hoy in the amount of \$839.50:
 - i) Mr. Dunbar said this item will be placed on the August 21 Consent Agenda.
- k) Township Auditor Firm – RFP Award Discussion:
 - i) Mr. Dysard said that that the Board had authorized the Township to advertise an auditor RFP. He said the RFP was directly sent to approximately 10 companies, with six responses. Of those six, three said they were not interested and three submitted proposals. He said the proposals ranged in price for the three-year RFP from \$58,800 to \$104,250. This item will be placed on the August 21 agenda. He noted that the waste hauler contract, discussed at a previous meeting, also will be placed on the August 21 agenda.
 - ii) Chairman Dinniny asked for an explanation of an RFP.
 - iii) Mr. Onorato explained that an RFP is a Request for Proposal where a firm is asked to make a proposal. At some point, if the Township wishes, it will then enter into a contract with one of those making proposals to perform the auditing services.
 - iv) Mr. Dunbar noted that if the Board does execute the RFP on August 21 all the requisite escape clauses would be available for failure to perform, etc.
- l) Request for use of Lighting & Permit Fee Waiver for Temporary Lighting – Evansburg Point Park:
 - i) Ms. Donohue read a letter from the Warriors Football organization requesting permission to use the lights, which were installed in 2007, while awaiting final approval on their aiming. The letter also stated that as in past years, the group would use temporary lighting on the practice field from August to November,

no more than two hours each night and was requesting a waiver of the permit fee for the temporary lights.

- ii) Mr. Brown asked if DCNR had issued any permits for the temporary lighting on the all-purpose field. Ms. Donohue said that DCNR approved temporary lighting at that field last year. Mr. Dunbar said that last year DCNR authorized use of the temporary lighting on the multi-purpose field. With the Board's approval, it is an annual request of the Township to DCNR. He said the Township recently had a meeting with DCNR and believes they are receptive to the temporary lighting on the practice field. He noted the overall master plan that still has to make its way through the process calls for fixed lighting on the multi-purpose field.
- iii) Mrs. Altieri asked who had the final approval of the aiming of the lights. Ms. Donohue said the Township's lighting consultant would make sure the lights met Township Code.
- iv) This item will be placed on the August 21 agenda.
- m) Request for Public Hearing and Public Meeting on Conditional Use Application CU-08-06, 2864 Ridge Pike for August 21, 2008:
 - i) Mr. Dunbar said that the Board had already authorized advertisement for the conditional use hearing and that this was reminder to the Board that the item would be on the August 21 agenda.
 - ii) Mr. Brown expressed concern that the applicant is seeking conditional use in the Ridge Pike Business District for a building that has already been built. Mr. Dunbar said he expressed the same concern to Mr. Onorato.
 - iii) Mr. Onorato said that it is a conditional use to allow a residential use on the second and third floors of the building. It is allowed under the Ridge Pike Business District as long as the builder meets the standards set forth in the ordinance. He noted that the contractor is building at his own risk in advance of approval.
 - iv) Mr. Brown asked about a height issue. Mr. Salsibury explained that the approved plans met height requirements, but during construction ceiling heights were increased and were corrected.
 - v) **ACTION ITEM:** Mr. Brown said that the property had been before the Zoning Hearing Board several years ago for relief and requested a copy of the decision.
- n) Authorization to Advertise Weed Ordinance Amendment:
 - i) Mr. Onorato explained that the Board had adopted the 2006 Property Maintenance Regulations and there is a slight conflict between the regulations and the existing weed ordinance with respect to weed height. The amendment would correct this and would also include a provision for property owners with lots larger than 1 ½ acres to allow their fields to grow fallow as long as a perimeter is cut around them.
 - ii) This item will be placed on the August 21 agenda.
- 8) **Courtesy of Floor (not to exceed 3 minutes per person):**
 - a) Mr. Tom Borai, Brenda Lane, expressed concern regarding the Board's decision to send the Township Solicitor to represent the Township at the Zoning Hearing Board appeal of Leo White and White Enterprises.

- b) Ms. Ann Allebach, Eagleville Road, asked if the Board meetings were broadcast on Verizon. Mr. Roth said Verizon has been working with the School District to install fiber and it is hoped that the channel will be available on Verizon by October.
- c) Mrs. Nancy McFarland said she was concerned because the Township Solicitor attended a hearing in the Montgomery County Court of Common Pleas regarding the American Revolution Center's bond request. She questioned the appropriateness of his participation at the hearing.
 - i) Mr. Onorato said that the Board had approved his attendance at the July Board of Supervisors meeting and that other petitions pertinent to the Township, as well as the bond, were addressed at the hearing.
- d) Mr. Ray Martinez asked the Board to keep in mind that last year the Warrior Football organization had installed higher candlepower in the lights than was approved by DCNR.

9) Other Business:

- a) Mr. Onorato said that the Board will be asked on August 21 to authorize advertisement of an ordinance setting sewage pre-treatment limits to meet LPVRS requirements.
- b) Mr. Brown, in a follow-up to Mr. Borai's comments, asked why the Township was sending Mr. Onorato? Mr. Dunbar noted that Mr. Mandracchia, the Zoning Hearing Board solicitor, will defend the Zoning Board's actions. Mr. Onorato will represent the Board of Supervisors and the Township.
- c) Mr. Brown said asked Mr. Onoroato to explore an ordinance regulating the use outdoor furnances to heat homes to avoid future problems given the high cost of heating oil. He also noted recent legislation that created a county-wide Earned Income Tax collection system and asked that the Board authorize staff to determine a Township delegate.
- d) Mr. Sassu thanked the Police Honor Guard for their participation at the World Series Opening Ceremonies. He also noted that there would be a PA State Harley Davidson rally in Valley Forge and that the local dealer is a key sponsor.

10) Adjournment:

- a) **MOTION** – Supervisor Altieri made a motion to adjourn the meeting. Supervisor Brown seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary