

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 18, 2008 MEETING MINUTES**

1) Executive Session:

- a) Mr. Sassu called the executive session to order at 7:16 p.m., seconded by Mrs. Altieri. The following Supervisors were present: Mr. Sassu, Mrs. Altieri, Mr. Dininny and Mr. DiPaolo. Also present were Township Manager Joseph Dunbar and Solicitor Dave Onorato. A discussion took place on a legal issue. Mrs. Altieri motioned to adjourn the meeting at 7:28 p.m., seconded by Mr. Sassu.

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, Dininny, DiPaolo and Sassu.
- b) Supervisor Brown was absent.
- c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Public Works Director David Shaffer, Emergency Management Coordinator Charles DeFrancesco, Accounting Manger 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.

5) Chairman's Comments:

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

6) Public Participation on Agenda Items:

- a) There was no public 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 August 7, 21, and September 4, 2008. Supervisor Sassu seconded the motion.
 - i) Supervisor DiPaolo indicated that he was asked to read a statement relating to last meeting's discussion on payment of Zoning Hearing Board (ZHB) invoices by Supervisor Brown, who was unable to attend this evening's meeting. Mr. Brown had done some additional research on the matter and e-mailed that information to Mr. DiPaolo. Mr. DiPaolo read the following information into the record:
 - (1) Section 617.3 Finance & Expenditures – The governing body may appropriate funds to finance the preparation of zoning ordinances and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the zoning hearing board. The governing body shall make provision in its budget and appropriate funds for the operation of the zoning hearing board. The zoning hearing board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services, as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.
 - (2) Mr. DiPaolo commented that the ZHB is over budget by 30%. In 2007 the total expenditure for legal fees was \$16,874. Thru August 2008 they have spent \$26,399 on legal fees. Mr. DiPaolo noted that Mr. Brown spoke with PSATS and is concerned with getting surcharged

for paying unauthorized bills. Mr. Brown requested that this matter be tabled, asking Mr. Onorato for a written opinion on the matter so they can be in compliance with the code.

- ii) Chairman Dininny asked if the only exception was for the ZHB? Mr. DiPaolo indicated that it was. Mr. Onorato indicated that he could report on this to the Board at the next meeting.
- iii) Mr. Dunbar noted that the 2008 budgeted amount for ZHB legal expenses was \$20,000. The litigation filed by the NPCA and several residents has been a major impediment to the funding stream for the ZHB. The bulk of ZHB legal expenses relate to a handful of appeals. These are non-traditional and unexpected costs as compared to typical ZHB cases. The Township as a whole has incurred close to \$30,000 in legal expenses related to the American Revolution Center (ARC), and there are still more meetings scheduled relating to that project.
- iv) Mr. DiPaolo suggested that the legal bills be provided to the ZHB so they can see what expenditures are being made. Mr. Dunbar noted that staff does not work for or report to the ZHB, but he will have Mr. Siegel contact the ZHB Chairwoman to see if they want that level of detail.
- v) Mr. DiPaolo noted that the Township is being charged for two attorneys at the hearing. Mr. Dunbar discussed this matter with Mr. Mandracchia. The ZHB voted to authorize the attendance of Mr. Mandracchia's counterpart at these hearings. Mr. Dunbar noted the ZHB might not have realized the net effect on the budget.
- vi) Mr. Onorato noted that, without additional research, the Board of Supervisors (BOS) does fix the hourly rate for services to be rendered throughout the year. Mr. Onorato believes that the BOS appropriates the hourly rate, which they accepted at the beginning of the year, and not the number of hours. He will research this matter further, however he does not think there is an issue relating to the MPC. It is up to the Board if they wish to table this matter.
- vii) Mr. DiPaolo commented that Mr. Brown had discussed this matter with PSATS, which is why this question was brought up.
- viii) Supervisor Altieri asked if this would mean that every bill needs to be put in front of the ZHB for approval? Mr. DiPaolo is not sure, which is why he raised the question to Mr. Onorato.
- ix) Mrs. Altieri noted that when this matter was raised on August 21, it was specifically for the Leo White appeal, but now it is being related to all of the ZHB bills.
- x) Mr. Dininny commented that harassment is by the perception of being harassed. The Chairman of the ZHB came here to state that undue pressure was being put on the Solicitor of the ZHB because of the action in front of him. Mr. Dininny noted that they just received the information from Mr. Brown. He thinks members of this Board are trying to embarrass the ZHB Solicitor, influence the ZHB or its action, or embarrass this Board. He can't imagine people working for the Township and not getting paid. The budget was set at \$20,000, but there has been unforeseeable expense. The BOS should not put further stress on the ZHB, who is still hearing cases and have more cases to come.
- xi) Mr. Dunbar understands the concerns. The action before the BOS tonight is payment of a bill for Mr. Mandracchia's law firm in the amount of \$7,600, and further down on the agenda is the payment of his August bills. In the legal fees category of the budget, under 01-404, is a total allocation of \$177,500. This amount is broken down into smaller subsets, one of which is the \$20,000 for the ZHB. The year-to-date expenses are well below budget. They would not exceed budget for the total legal fee category.
- xii) Mr. Dininny asked if they should check the budget for all the various services paid by the Township such as the Court Reporter or Engineer? He thinks this one firm is being singled out, which he thinks is appalling and does not want to be a part of.
- xiii) Supervisor Sassu noted that when he initially attended the PSATS training for new supervisors this issue was discussed. The BOS is required to set the compensation under the MPC as a rate, and that rate cannot be exceeded. The number of hours is not set.
- xiv) Mr. DiPaolo stated this has nothing to do with rate but the legal process of approving the budget. As it was explained to him, if you go over budget you could either do nothing, or

appropriate funds. He is not sure how to do this. No one is being singled out. Ms. Kearney brought up questions, which brought up more questions.

xv) Mr. Dininny thinks this could have been brought up as a legal matter in executive session. Mr. DiPaolo commented this is just about doing this right.

xvi) Mr. Onorato noted that the Board sets its compensation at the beginning of the year. The fact they have exceeded the budgeted amount for a line item does not matter, they set the rate. They are obligated to pay the ZHB Solicitor's fees and other ZHB expenses by law. He is confident that is the law. You can't be expected to know what legal challenges will come down the road each year, which is why you set the rate. Mr. Onorato noted the BOS could vote to expand the line item for the ZHB legal services if they wanted to.

xvii) Supervisor Altieri clarified that they are overall under budget for legal expenses. Mr. Dunbar noted they were under budget year to date. However, they are already between \$56,000 to \$60,000 in expenses between the ZHB and Township Solicitor on the ARC matter, and there is still a way to go on that matter. Right now, the funds are covered.

xviii) **MOTION VOTE** – The motion *passed* 3-1. Supervisor DiPaolo opposed the motion.

8) Presentations & Commendations:

a) Introduction of Thomas P. McAneney, new Executive Director of the Lower Providence Community Center Ambulance:

i) Supervisor Sassu provided an overview of Mr. Thomas McAneney's background, noting in June 2008 he became the new Executive Director for the Lower Providence Community Center Ambulance. Mrs. Janet Azara, the President of the LPCC&A also commented on the positive influence Mr. McAneney has already had on her organization.

ii) Mr. McAneney reviewed his responsibilities in this new capacity, and thanked Mr. Dunbar, Chief Carroll, and Mr. DeFrancesco. He looks forward to working with the Township moving forward.

b) Presentation by Bud Carroll on Emergency Management – Fire Analysis:

i) Chief Carroll explained that they have reviewed the Township's high density and high occupancy housing, and introduced Mr. Charles DeFrancesco, the Township's Emergency Management Coordinator and Fire Marshall to discuss that analysis.

ii) Mr. Dunbar noted that this analysis was done as a result of the Conshohocken fire last month. He received several calls to see if a similar situation could occur in Lower Providence, including one from Supervisor Brown.

iii) Mr. DeFrancesco focused his presentation on Shannondell, providing the following details:

(1) Construction includes non-combustible materials such as metal roof trusses, protective steel and studs, concrete flooring and some walls, and fire-retardant plywood.

(2) There are four access points to the site including the main entrance, through Shannondell Farms, an emergency egress off of Egypt Road, and through properties on the east side if needed. Inside the site there are plenty of fire lanes and connections.

(3) The highest building is 90', and the Fire Department has a tower truck that reaches to 95'.

(4) There is an addressable fire detection system by zone. Each alarm has an address on it. This system is monitored both on and off site. Additionally each building is staffed 24/7.

(5) The buildings are sprinklered from the basement through to the attic, including utility closets.

(6) The buildings have public address systems so they can provide directions to the residents.

(7) Pre-planning is in place with regard to mutual aid from the surrounding area. If the response needs to be elevated once they are on the scene this is already planned out.

(8) Water supply comes from the Audubon Water Company, and there is a possible interconnection to the PA American Water Company as a back up. There are 14 fire hydrants nearby with 12 on site. Each building has a dedicated fire hydrant.

(9) Extensive drills and training have been coordinated with Shannondell and the Fire Company.

iv) Mr. DeFrancesco reviewed other apartment complexes and institutions within the Township such as Eagle Stream Apartments, Mill Grove Apartments, St. Gabriel's Hall, and Eagleville Hospital, where they also have pre-planning in place for emergency response.

9) Old Business:

a) Discussion and consideration on audit proposal:

- i) Chairman Dininny noted that RFP's went out and Maillie-Falconiero came in as the lowest responsible bidder. Mr. Dysard noted that the RRP was sent to 12 firms, three responded, and Maillie-Falconiero was the lowest responsible bidder by \$34,000. Mr. Dininny explained that there were some issues raised by some of the Board members at that meeting, so he requested that representatives from Maillie-Falconiero come in to address them.
- ii) Mr. George Falconiero, Managing Partner, was present to discuss the matters.
- iii) Supervisor DiPaolo explained that there were two areas he was not comfortable with:
 - (1) The first was a memo to the Township in February 2006 where Maillie-Falconiero questioned the Sewer Authority's viability. Another auditor was auditing the Sewer Authority at the time. Mr. DiPaolo noted that at the time the Sewer Authority could have written a check to pay off their debts.
 - (2) The second was when he questioned the collateralization of excess deposits the Township owns with regard to Act 73. He was trying to find out what collateral was out there and how they were protected. They were just beginning to see what is happening on Wall Street right now. At the time it was indicated that there were US Treasuries or collaterals of that nature.
 - (a) Mr. Falconiero indicated that they are generally US Securities.
 - (b) Mr. DiPaolo noted that the collateral reports he received from the institutions have overwhelmingly no US insurance, and are mortgaged backed securities. A lot of them are obligations that are currently being written down. Upon talking to PSATS, this is going on around the State. Act 73 pulled deposits and some may have to be recapitalized. Mr. DiPaolo is concerned because the Township has millions of dollars in the bank but only \$100,000 is FDIC insured. Then they go to the Act 73 pool. While the deposits are legal under the Act 73 pool, they are not US Treasury backed securities. He would have rather that Mr. St. George told him he was unsure of how they were backed instead of stating they were US Securities.
 - (c) Mr. Falconiero noted they are generally US Securities. There are many investments a bank can make on your behalf and still be compliant with Act 72. If the Township is overly concerned about this they should hire an investment counselor, go to the bank and tell them you only want US backed securities, which you are not likely to get.
 - (d) Mr. DiPaolo noted the answer was "US Treasuries and the like." Mr. Falconiero stated that was a general answer, but in compliance with Act 72.
 - (e) Mr. DiPaolo is concerned that he had to go get information regarding the quality and collateral by himself, this should be part of the audit process. Mr. Falconiero stated it is not part of the traditional audit process unless a review is warranted. They do not go in and research each investment in the bank's investment pool. Mr. DiPaolo was more concerned with the misrepresentation as being a government insured security. Mr. Falconiero thinks that they are government securities if in compliance with Act 72. Mr. DiPaolo is referring to bonds.
 - (f) Mr. Dunbar noted that the Township did not engage the firm to be investment advisors, but to make sure the investments they have are properly collateralized. He thinks there may be a disconnect between Mr. DiPaolo and Mr. St. George in communicating the matter.
 - (g) Mr. Falconiero noted the audit criterion is: are the investments legal, and are the banks in compliance with Act 72.
 - (h) Mr. DiPaolo reiterated his concern with being provided the wrong answer. Many of the investments have to be recapitalized because of write down. The question now is who is responsible for monitoring this? If the banks have to recapitalize, they may or may not be able to do so.

- (3) Mr. Dininny asked if an RFP went out, isn't the RFP criterion the same for everyone who responded? Mr. Dysard indicated they were.
- (4) Mr. DiPaolo remained concerned they did not know the answer. Mr. Dunbar had spoken to Mr. St. George prior to the meeting to let him know that Mr. DiPaolo had questions relating to capitalization and he was not prepared.
- (5) Mr. Dininny suggested they open a dialog with the firm to get the information they need.
- (6) Mr. Falconiero noted that Mr. DiPaolo was entitled to a more thorough answer than he got. There are firms that specialize in examining the integrity of the collateral pool, and he can introduce them to these firms.
- (7) Mr. DiPaolo is concerned with who is watching these pools? Mr. Falconiero noted the accounting firms are not examining the banks records. He shares the concern of Mr. DiPaolo.
- iv) Mr. Dysard recommended that they accept Maillie-Falconiero's RFP in the amount of \$58,800 for the three-year period starting with fiscal year ending 2008 through 2010.
- v) **MOTION** – Supervisor Sassu made a motion to accept Maillie-Falconiero for this proposal. Supervisor Altieri seconded the motion. The motion *passed* 3-0-1. Supervisor DiPaolo abstained, noting he has very high expectations relating to this matter.
- b) Authorization on payment of Mandracchia & McWhirk invoice #19421 in the amount of \$561.06, invoice #19568 in the amount of \$600.00, and invoice #19189 in the amount of \$75.00:
 - i) Chairman Dininny noted this item was also brought up at a prior meeting, and all relate to a specific case before the ZHB. There was a question relating to if the ZHB Solicitor did or did not make deadlines relating to that case.
 - ii) Mr. Onorato commented that the ZHB and their Solicitor were in full compliance with the MPC for that case.
 - iii) **MOTION** – Supervisor Sassu made a motion to authorize payment of the invoices. Supervisor Altieri seconded the motion. The motion *passed* 4-0.

10) New Business:

- a) Authorization to execute a 3-year extension agreement between the Township and Methacton School District for School Resource Officer effective July 1, 2009 – June 30, 2012:
 - i) Mr. Dunbar explained that Chief Carroll provided a thorough presentation relating to the School Resource Officer, and has requested authorization on a three-year extension of that agreement as it is currently written.
 - ii) **MOTION** – Supervisor Sassu made a motion to execute the agreement. Supervisor Altieri seconded the motion. The motion *passed* 4-0.
- b) Application S-07-14 – Victory Christian Church for preliminary / final approval:
 - i) Mr. Siegel commented that the Victory Christian Church (VCC) has submitted a major land development application and would like to request preliminary and final plan approval this evening. This plan was presented at the work session. VCC is requesting two waivers, and has a copy of the latest resolution.
 - ii) Mr. Mike Beuke, Landscape Architect with Showalter & Associates, was present to discuss the plan.
 - iii) Waiver Requests:
 - (1) Section 123-50.C – relating to buffering –
 - (a) Mr. Beuke explained that perimeter landscaping is required to be setback from the property line. The view of the valley from this property was due to existing vegetation at the rear of the parcel, and they are requesting a waiver from installing additional buffering in that area so the view is not obstructed. They have moved the buffering material to border the parking lot. Glenn Harris approved of this request.
 - (b) Mr. Siegel commented that the applicant has provided an excellent buffering system.
 - (c) **MOTION** – Supervisor Altieri made a motion to grant the waiver request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
 - (2) Section 101.2.A appendix A – relating to paving specifications –

- (a) Mr. Beuke suggested that the paving standards being requested are sufficient for the site and anticipated traffic. The change is that instead of a 5” binder course they will install a 3” binder course, and instead of 3” of stone they will install 5” of stone.
- (b) Chairman Dininny asked Mr. Shaffer if this was OK? Mr. Shaffer commented that the ordinance calls for 5” of binder course, which is what they use.
 - (i) Mr. Chambers explained that the standard requires 5”, the applicant has requested a waiver from this and he understands why, however it does not meet the standard.
 - (ii) Supervisor Sassu asked what would happen with this change? Mr. Chamber explained that the paving would deteriorate sooner.
 - (iii) Supervisor Altieri asked why they were requesting this waiver? Mr. Beuke indicated that cost is driving this request.
 - (iv) Mr. Sassu noted this is not a road but a parking lot, and asked if it was much of a problem?
 - (v) Mr. Chambers noted it is not a public safety issue. Asphalt prices have doubled, which is why they are requesting the waiver. Per the standard the paving would last about 25 years, so it will last a shorter time, however it is the church’s responsibility to fix it, not the Township’s.
 - (vi) Mr. Dininny asked if they could drive a Township truck on the paving and it would be OK? Mr. Chambers indicated that it would.
 - (vii) Mrs. Altieri asked if it would be OK for plowing? Mr. Chambers indicated that it would.
- (c) **MOTION** – Supervisor Altieri made a motion to grant the waiver request. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
- iv) **MOTION** – Supervisor Altieri made a motion to grant preliminary and final plan approval. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
- v) Mr. Dunbar asked if the applicant had a copy of the resolution? Mr. Siegel indicated that they did.
- c) Authorization to adopt Impact Fee Committee report on land use assumptions:
 - i) Mr. Siegel explained that the Act 209 Committee held a public hearing on September 10, 2008, and recommended that the Board of Supervisors adopt the Land Use Assumptions Report (LUAR).
 - ii) Ms. Jeanne Holland, a representative from the Montgomery County Planning Commission (MCPC) explained that the Act 209 Committee reconvened to review the traffic impact zones and fees at the Board’s request. Ms. Holland reviewed an 18-slide PowerPoint presentation to explain the project background and results of the project to date, including projections relating to future Township growth.
 - iii) Supervisor Altieri thanked Ms. Holland and the committee team for their work, noting they had an aggressive schedule and accomplished their goal.
 - iv) **MOTION** – Supervisor Altieri made a motion to adopt the LUAR as presented. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- d) Waiver of sign fees for flea market held by Lower Providence Historical Society:
 - i) Mr. Siegel noted that the Lower Providence Historical Society was requesting a waiver from the \$60 fee for their October 4, 2008 flea market.
 - ii) **MOTION** – Supervisor Altieri made a motion to waive the fee. Supervisor Sassu seconded the motion. The motion *passed* 4-0.

11) Public Hearing:

- a) **MOTION** – Supervisor DiPaolo made a motion to enter into a public hearing. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
- b) *Mr. Tim Kurek was present to take a complete record of testimony.*
- c) Conditional Use Hearing for Eaglestream Plaza:

- i) Mr. Michael Clement, Esq., was present to represent the applicant, Mr. Lou Gambone of HTC Properties, also present. Ms. Susanne Creveling, the project engineer, was also present.
 - ii) The following exhibits were entered into the record during the course of the hearing:
 - (1) Exhibit A – A copy of the conditional use application, four pages plus a two-page addendum.
 - (2) Exhibit A1 – A two-page review letter from Chambers Associates.
 - (3) Exhibit A2.A – A larger set of architectural renderings of the proposed building, two pages.
 - (4) Exhibit A2.B – A smaller set of architectural renderings of the proposed building, two pages.
 - (5) Exhibit A3 – Sheet 7 of 9, Eaglestream Plaza project, revised 7/11/08.
 - (6) Exhibit T1 – Proofs of publication in *The Times Herald* on 9/2/08, and 9/9/08.
 - (7) Exhibit T2 – A certificate of posting for 3150 Ridge Pike, posted 9/2/08.
 - (8) Exhibit T3 – A copy of the public hearing notice, letter and residential addresses to which this was mailed.
 - iii) Mr. Louis Gambone, Principal and Managing Member, HTC Properties, was called as the first witness.
 - (1) Mr. Gambone provided testimony relating to the application and general plan comments.
 - iv) Ms. Susanne Creveling, the project engineer, was called as the second witness.
 - (1) Ms. Creveling provided testimony relating to the plan details and use, inclusive of the building, parking area and landscape design.
 - (2) Exhibits A2.A, A2.B, and A3 were entered into the record during Ms. Creveling's testimony.
 - (3) Chairman Dininny asked if shade trees would be planted as required? Ms. Creveling noted they were on the landscape plan for Ridge Pike. Mr. Clement indicated they would plant trees wherever the Township wanted.
 - (4) Supervisor Altieri asked if there were 4 or 5 apartments? Mr. Clement indicated there were 4, and any references to 5 must be a typographical error.
 - (a) Mrs. Altieri noted that for areas where windows are indicated on the plan, if the tenant does not want the windows would they still create a façade showing the windows? Ms. Creveling indicated they would.
 - (b) Mrs. Altieri suggested moving the dumpster over so the trash hauler can have direct access to it.
 - (5) Public Questions for this witness:
 - (a) Mr. Chuck Gelband, Oakland Avenue, questioned information pertaining to building materials. Mr. Onorato explained that relates to SALDO, and this hearing is for Zoning.
 - v) Public Comments:
 - (1) Mr. Chuck Gelband questioned if the proposed apartments were essential to the public's interest?
 - vi) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
 - vii) **MOTION** – Supervisor Sassu made a motion to approve the conditional use. Supervisor Altieri seconded the motion. The motion *passed* 4-0.
 - viii) Mr. Onorato indicated that he would prepare a written decision to be adopted by the Board within 45 days.
- d) An ordinance regarding the regulation of brush, grass & weeds:
- i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
 - ii) Mr. Onorato explained the changes to this ordinance are for consistency with Section 2 of the MPC, reducing permissible height of grass and weeds from 12" to 6". It will also allow parcels in excess of 1-½ acres to only have to mow up to 12' from the property line.
 - iii) Public Comment:
 - (1) Mrs. Candy Allebach, 4039 Eagleville Road – clarified ordinance requirements.
 - (2) Mrs. Joyce Cluley, 19 Vaux Lane – questioned the permissibility of wildflower growth in excess of 6".

- iv) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- v) **MOTION** – Supervisor Sassu made a motion to adopt the ordinance. Supervisor Altieri seconded the motion. The motion *passed* 3-1. Supervisor Dininny opposed the motion.
- e) An ordinance providing uniform requirements for direct & indirect contributors into the wastewater collection & treatment system of Lower Perkiomen Valley Regional Sewer Authority; providing for wastewater discharge permits, payment and imposition of penalties for violations thereof:
 - i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
 - ii) Mr. Onorato explained the modifications to this ordinance were to bring the Township into compliance with the regional sewer authority, providing consistency with the County and region. This applies to non-residential uses only.
 - iii) Public Comment:
 - (1) Mr. John Ciabitto, Jr., 23 Oakland Avenue, questioned sewer usage of non-residential users.
 - iv) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
 - v) **MOTION** – Supervisor Altieri made a motion to adopt the ordinance. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- f) Conditional Use Hearing for 2864 Ridge Pike:
 - i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
 - ii) Mr. Gerald Mulaney, Jr., Esq., was present to represent the applicant, Mr. John Lomire, also present.
 - iii) During the course of the hearing the following items were entered into the record:
 - (1) Exhibit T1 – Proofs of publication in *The Times Herald* on 9/2/08, and 9/9/08.
 - (2) Exhibit T2 – A certificate of posting for 2864 Ridge Pike, posted 9/2/08, plus a photograph.
 - (3) Exhibit T3 – A copy of the public hearing notice, letter and residential addresses to which this was mailed.
 - (4) Exhibit A1 – A set of documents and letters including a copy of the four-page conditional use application with a letter dated 6/18/08 from Pizonka & Reilly, and various review letters of the project provided by Township consultants.
 - (5) Exhibit A2 – A four-page set of plans labeled P1, A1, A2, and A3.
 - iv) Mr. John Lomire, the property owner, was called as the first witness.
 - (1) Mr. Lomire provided testimony relating to the current and proposed use of the building, the layout and construction of the building and parking areas, and the plans.
 - v) Supervisor DiPaolo asked if all Solicitor / Staff issues had been resolved? Mr. Dunbar indicated that they had.
 - vi) There was general discussion regarding building height and satisfying the intent of the Ridge Pike Business District ordinance.
 - vii) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Sassu seconded the motion. The motion *passed* 4-0.
 - viii) **MOTION** – Supervisor Sassu made a motion to approve the conditional use. Supervisor Altieri seconded the motion.
 - (1) Mr. Dunbar noted that the reference record number is CU-08-06.
 - (2) **MOTION VOTE** – The motion *passed* 4-0.

12) Ordinances & Resolutions:

- a) An ordinance regarding the regulation of brush, grass & weeds:
 - i) This item was voted on under item 5b.
- b) An ordinance providing uniform requirements for direct & indirect contributors into the wastewater collection & treatment system of Lower Perkiomen Valley Regional Sewer Authority; providing for wastewater discharge permits, payment and imposition of penalties for violations thereof:

- i) This item was voted on under item 5c.
- c) A resolution approving the 2008 Police and non-uniformed pension plans minimum municipal obligation:
 - i) Mr. Dunbar explained that Ms. Law previously discussed this item at the work session. \$579,525 is required to meet the MMO for 2009. The State offset for this is \$298,194.34, leaving a balance of \$281,330.62 for the Township to pay. This amount has been built into the 2009 operating budget. Mr. Dunbar requested that that Board approve the resolution to fund the pension plan into 2009.
 - ii) **MOTION** – Supervisor Sassu made a motion to approve the resolution. Supervisor Altieri seconded the motion. The motion *passed* 4-0.

13) Comments from Public / Residents:

- a) There were no comments at this time.

14) Comments and Other Business – Board / Staff:

- a) Mr. Dunbar noted that they are experiencing a possible situation on Eagle Stream Drive adjacent to the Kimco property (Genuardis) with an underground storm pipe. The storm pipe is in the Township right-of-way, and they are uncertain as to why it is degrading. Mr. Dunbar needs authorization of an expense to do some test boring and potentially open the road to replace this pipe. This could go as high as \$57,000 if the entire pipe needs to be replaced. There is a constant flow of water from the shopping center that may have contributed to the problem. Structural engineers on both sides have looked at the building. He needs authorization to perform emergency abatement for this situation.
 - i) **MOTION** – Supervisor Altieri made a motion to authorize the expenditure. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- b) Supervisor Sassu noted that Fall Fest would be held on September 27th with a variety of activities running from 1 p.m. to 8 p.m.
- c) Supervisor DiPaolo noted that the culvert was installed on Grange Avenue last week and did its job in 3 ½ days. The residents are very happy.

15) Adjournment:

- a) **MOTION** – Supervisor DiPaolo made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 4-0. The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary