

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 2, 2008 MEETING MINUTES**

1) Executive Session:

- a) Mr. Sassu called the executive session to order at 6:30 p.m. seconded by Mr. Brown. In attendance were Supervisors Brown, DiPaolo, Sassu and Altieri. Also in attendance were Township Manager Joseph Dunbar and Solicitor David Onorato. Mr. Dininny arrived at this point. A discussion took place on legal and real estate matters. Mr. Sassu motioned to adjourn the meeting at 7:19 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 Lonnie Manai, Police Chief Francis Carroll, Community Relations Coordinator Denise Walsh, Accounting Manager Sue 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 explained that this was a work session for the Supervisors to discuss items that will require action at their next Business Meeting; therefore no public comment is taken on the specific items. A comment period is provided at the end of the meeting.
- b) Chairman Dininny announced that an executive session was held prior to this meeting to discuss legal and personnel matters. The Board also held a joint meeting with West Norriton Township on September 24, 2008 to discuss the Rt. 422 River Crossings Project at the West Norriton Township building.

6) Public Participation on Agenda Items:

- a) There was no participation at this time.

7) Presentations & Commendations:

- a) Presentation by Paula Noble, analyst with the National Research Center Citizen on findings from overview of Township-wide citizen survey:
 - i) Mrs. Walsh explained that a Township-wide survey was conducted by National Research Center (NRC) to assess the quality of services provided by the Township, identify areas of concern, and set goals for the future. The survey was mailed to randomly selected homes in the Township.
 - ii) Ms. Paula Noble, and analyst with NRC, reviewed a PowerPoint presentation providing an overview of the survey results. Ms. Noble thanked Mrs. Walsh for her assistance during the survey process, noting she was very helpful.
 - (1) Ms. Noble explained that survey results are compared to similar survey results elsewhere in the country, with over 500 jurisdictions to compare to. Surveys provide an avenue for feedback from residents to measure performance standards, monitor trends, and plan for future decisions relating to the Township.
 - (2) 1,200 surveys were mailed to Township residents. 340 responses, or 29%, were received back. These responses have a 5% margin of error. Respondents could select from the choices: excellent, good, fair or poor in response to questions. Ms. Noble explained that the goal is to receive "excellent" or "good" choices, however a "fair" response is also OK.
 - (3) Some highlights from the survey results, which will be publicized in an upcoming Township newsletter, include:

- (a) The quality of life in the Township is above the national average with 83% of respondents rating it as excellent or good.
 - (b) 9 out of 10 residents intend to stay in the Township for the next five years.
 - (c) The Township was given overall favorable ratings for being a good place to work – 65%, having good shopping opportunities – 54%, having employment opportunities – 42%, and a 60% rating for overall quality of businesses and services in the Township. Ms. Noble noted that when these results were provided, the same respondents also had a 65% negative view of the current economy.
 - (d) The following services received overall favorable ratings: fire services – 98%, EMS services – 97%, Police services – 91%, and Township parks – 88%. Ms. Noble noted that these types of services typically do receive positive responses.
 - (e) Overall satisfaction with government performance in the Township was 3% below the national custom benchmark with a 75% favorable response, of which only 16% was in the “poor” rating. The same measure for the County was 49% favorable, with State and Federal ratings coming in even lower.
 - (f) 56% of respondents were in contact with a Township employee within the past year. Of these respondents, their overall impression regarding responsiveness and courtesy was good.
 - (g) Overall residents feel safe in the Township, feeling safer during the daytime and in their own neighborhoods.
 - (h) Support for a single Township zip code was almost evenly split with 56% in favor of the idea and 45% against it.
 - (i) Ms. Noble explained that general support for open space acquisition, parks & recreation, new programs for various constituencies was positive. However, when asked if residents supported such programs if they included a tax increase, support waned.
- (4) Ms. Noble commented that Township strengths include civic engagement of citizens, community quality, and overall sense of service. Opportunities for improvement include economic sustainability, government performance, and transportation.
- (5) Next steps for the Township could include conducting a policy exploration survey, create resident focus groups, or hold departmental staff workshops to review the feedback and establish goals.
- iii) Supervisor Brown questioned the age groups of the respondents? Ms. Noble explained that results are weighted to correlate with the community population as a whole. There were 8% in the 75+ age group, 7% in the 65-74-age range, 13% in the 55-64 range, 31% in the 45-54 range, with the rest falling below age 45.
 - iv) Supervisor Altieri asked if a 29% response rate was average? Ms. Noble noted that 25-40% is average. She has seen results as low as 18% up to a high of 40%.
 - v) Mr. Onorato asked if this was a random sample? Ms. Noble indicated that it was. They obtain a mailing list from the Post Office to obtain mailing data.
 - vi) Mr. Dunbar questioned the jurisdictions that the Township’s survey results were compared to? Ms. Noble noted they are all sizes, but the comps used are for Townships with populations of 40,000 or less on the East Coast.
 - vii) Mr. Tom Borai asked how they would communicate the results to the respondents? Mr. Dunbar noted that Mrs. Walsh would be relaying this information in an upcoming newsletter.
 - viii) Ms. Janice Kearney asked if there were any open-ended questions? Ms. Noble indicated that there were none.
 - ix) Chairman Dininny commented that it is often difficult as an elected official to obtain feedback from residents. If residents attend a public meeting it is usually because they are unhappy about something. He thanked Ms. Noble, Mrs. Walsh, the staff and resident respondents for their efforts relating to the survey.

8) Discussions:

- a) Discussion on authorization to submit CMX Community Grant in the amount of \$5,000:
 - i) Mr. Dysard noted that he would be requesting authorization to submit a CMX Community Grant in the amount of \$5,000 for use in constructing a footbridge at Cranberry Park. This will be on the October 16, 2008 Board of Supervisor's (BOS) agenda.
- b) Discussion on authorization to submit PECO Green Region Grant in the amount of \$10,000:
 - i) Mr. Dysard announced that they have been awarded a grant to purchase Automated External Defibrillators. Mr. Dysard noted they would also request approval for submission of a \$10,000 PECO Green Region Grant for use toward the construction of the Cranberry Park footbridge. This will be on the October 16, 2008 BOS agenda.
- c) Discussion on appointment of Open Records Officer:
 - i) Mr. Dunbar explained that per new Pennsylvania standards going into effect January 1, 2009, the Township needs to appoint an Open Records Officer. He is recommending that Mrs. Walsh be named the Open Records Officer, and that Mrs. Nelson be named as the back-up officer. This will bring the Township into compliance with the Open Records Act.
 - ii) Chairman Dininny asked if this was just additional responsibility for staff or would it be a new position? Mr. Dunbar noted it is not a full-time position, just a responsibility.
 - iii) Mr. Onorato commented that the Township is required to name an Open Records Officer under the Act.
 - iv) This will be on the October 16, 2008 BOS agenda.
- d) Discussion on ordinance to refinance 1998 bonds and application to purchase the refunding note:
 - i) Mr. Dunbar noted that the Board had authorized staff to refinance bonds with the Delaware Valley Investment Trust. However, because of current economic turmoil the bond market and interest rates are in a state of flux. If the rates on December 1, 2008 (the date scheduled for refinancing) are not better than the existing rates, staff would like to pull back on the refinancing.
 - ii) Chairman Dininny questioned costs associated with this action? Mr. Dunbar noted that if they proceed there are closing costs. Otherwise the only cost is associated with staff's time and effort, and Mr. Onorato's cost for preparing the note.
 - iii) Mr. Calhoun will attend the October 16th meeting to discuss this matter.
- e) Escrow release in the amount of \$132,128.55 for application #S-07-12 – 970 Rittenhouse Road:
 - i) Mr. Siegel noted that this is a typical escrow release request. The project included an expansion of a parking lot and engineering to address storm water. The project is almost complete, and Chambers Associates has approved the request.
 - ii) Mr. Onorato commented that he thought Chambers had recommended denying this request.
 - iii) Mr. Siegel explained that Chambers recommended denying release of \$142,000, but OK with releasing the \$132,128.55 amount.
- f) Escrow release in the amount of \$126,872.02 for application #S-06-02 – Providence Place:
 - i) Mr. Siegel noted this is another escrow release for the townhouse development across from Genuardis on Eaglestream Drive. The building permit was just pulled. Chambers Associates concurs with the release.
 - ii) This will be on the October 16, 2008 BOS agenda.
- g) Application S-08-04 – Eaglestream Plaza for preliminary approval:
 - i) Mr. Siegel explained that this application was for a retail building with four apartments above it on the corner of Ridge Pike and Eaglestream Drive. The applicant is only seeking preliminary approval at this time.
 - ii) Ms. SuSanne Creveling, the project engineer, was present to discuss the application. Ms. Creveling noted that they have already presented the preliminary plan to the Planning Commission in August, and have received preliminary plan approval.
 - iii) Supervisor Brown questioned a reference in the August Planning Commission meeting minutes that indicates the lot is heavily wooded and landscaped.
 - (1) Ms. Creveling noted that the lot is devoid of trees, however on the landscape plan for the project there is a buffer from the adjacent Providence Place, a tree buffer behind the parking

lot, and for the inner parking area there is lighting and landscaping on the islands. Additionally on the Southern boundary they are proposing a shadowbox fence for additional buffering.

- (2) Mr. Brown questioned what the Southern boundary was? Ms. Creveling noted this is more a Southeast boundary with the Colonial Shopping Center. They have a clear site triangle at the entrance to Eaglestream Drive. Installing trees here would interfere with the site triangle. They have placed all of the required eight trees on the parcel, just not along Eaglestream Drive.
 - (3) Mr. Brown questioned why it was necessary to reduce the distance between the curb and sidewalk. Ms. Creveling explained they are trying to help PennDOT by shifting the lanes. PennDOT wanted them to shift the lanes into the development, however they countered by asking if they could cut into the strip of land between the curb and sidewalk. Chambers has approved this request if it will help with correcting the road alignment.
 - (4) Mr. Manai noted this was not up the entire frontage of the lot, just from the entrance on Eaglestream up to Ridge Pike. The benefit of the travel lane exceeds the benefit of the green space.
 - (5) Mr. Brown commented that he thinks the pedestrians need a buffer for safety.
 - (6) Chairman Dininny asked if this was a PennDOT requirement? Ms. Creveling indicated that it was not required, however this has held up the project for two months.
 - (7) Mr. Brown asked if there would be a bus stop in this area? Ms. Creveling noted there is already a bus shelter near Genuardis.
 - (8) Supervisor Altieri asked how deep this would cut into the green space? Ms. Creveling indicated that it was approximately 6'.
 - (9) Mr. Dininny thinks they should move forward with this.
 - (10) Mr. Brown asked if there was any way to work with the shopping center and cut into their parking lot area? He would like the buffer for pedestrians.
 - (11) Ms. Creveling explained that they are trying to align E. Mt. Kirk Avenue with Eaglestream Drive. Moving this to the shopping center creates a larger shift away from E. Mt. Kirk Avenue.
 - (12) Mrs. Altieri asked if they could split the difference somehow. They need 6' for the trees; perhaps they could give 2' for curbs, grass and the sidewalk. Ms. Creveling noted this moves the sidewalk out of the right-of-way, and she is unsure if this is allowed.
 - (13) Mr. Manai noted they could do this with an easement. Mr. Brown commented that a similar action was taken on Crawford road.
 - (14) Mr. Manai commented that if they take the ground away from the tree area they would need to check with the landscape architect to see what can be planted and still conform to street tree requirements. They need to ensure the trees can thrive.
 - (15) Ms. Creveling will coordinate this matter with Mr. Manai.
- iv) Mr. Onorato asked what issue the applicant had relating to the traffic impact fee (TIF)?
- (1) Ms. Creveling explained that they would like the TIF handled similarly to how it was for Providence Place. The TIF would be offset by the road widening improvements. They would like the \$10,677,78 TIF offset by the cost of the road improvements on Eaglestream Drive and Ridge Pike.
 - (2) Mr. Onorato noted that if the improvements fall under Act 209 they would be entitled to a credit. He would need to know the value of the improvements as well.
 - (3) Mr. Onorato, Ms. Creveling and Mr. Siegel will coordinate a discussion on this topic to determine if the applicant is entitled to such a credit.
 - (4) Mr. Dunbar requested that he also be included in that conversation.
- v) This will be on the October 16, 2008 BOS agenda if the open issues can be resolved prior to that time.

h) Application S-08-09 – Montgomery County Correctional Facility for a 90-day extension:

- i) Mr. Siegel noted that representatives for this project met with staff earlier in the week to review the project. They still have parking lot issues to resolve and have requested that the Township accept a 90-day extension.
- ii) Supervisor Sassu asked if they cleared up problems with the Sewer Authority? Mr. Onorato noted that matter would be discussed in Executive Session.
- i) Discussion on authorization to advertise an ordinance on parking prohibition for Eagleville Road between Sunnyside Avenue and Featherbed Lane:
 - i) Chief Carroll indicated that he would be requesting authorization to advertise an ordinance for parking restrictions on Eagleville Road between Sunnyside Avenue and Featherbed Lane. This will increase the safety for traffic at the intersection of Sunnyside, Featherbed, and Pinetown Road.
 - ii) Supervisor Brown asked if people currently park there? Chief Carroll indicated that they do and this creates a distraction.
 - iii) Mr. Brown asked if they would notify residents in that area of this ordinance? Chief Carroll indicated that they would be notified once the advertisement is authorized.
 - iv) Chairman Dininny asked if the houses in that area had off-street parking, and how would this affect them for backing out of the driveway? Chief Carroll noted they do have off-street parking, and some have a turnaround in their driveways. They can also use the area in front of the houses when backing out.
 - v) Mr. Dunbar commented that the parking restriction change will be difficult for residents to adjust to, however they are hoping the safety benefits outweigh this.
 - vi) Mr. Brown asked if they would tell residents about the flashing light? Chief Carroll commented that part of the next part of the process would be to determine if the light is installed.
 - vii) Supervisor Sassu asked if PennDOT had any comments relating to the parking restrictions, and if PennDOT would pay for sign installation? Chief Carroll noted that PennDOT concurs with the parking restrictions, however signage costs are the responsibility of the Township.
 - viii) This will be on the October 16, 2008 BOS agenda.
- j) Discussion on acceptance of right-of-way at Eagleville Road / Pinetown Road:
 - i) Chief Carroll noted that the final task of McMahan Associates for this project would be to prepare and submit a signal plan for a beacon at this intersection.
 - ii) This will be on the October 16, 2008 BOS agenda.
- k) Discussion on allocating additional funds for legal fees:
 - i) Mr. Dunbar noted that at the October 16th meeting he would ask the Board to reallocate funds from Fund 39 toward the legal fee fund in the general fund. This will also cover costs for court stenography.
 - ii) Supervisor Brown thinks they need to look at what has been spent from January through June and divide up that cost. They need to look at the appeal work for next year realistically.
- l) Discussion of proposed 2009 Budget:
 - i) Mr. Dunbar noted that the Board has voted to approve the preliminary budget. He is recommending that they defer final budget approval to November or December to get a better feel for the economy and how it will impact the proposed budget. On October 16th Mr. Dunbar will ask the Board to re-advertise the 2009 Budget for a later date.
 - ii) This will be on the October 16, 2008 BOS agenda.
- m) Discussion on Deed of Consolidation for Township parcels:
 - i) Mr. Dunbar noted that at the October 16th meeting he would request the Board to authorize the deed consolidation for all of the Township parcels in this complex and to record that deed.
- n) Discussion of 2008 Annual Contributions to various organizations:
 - i) Ms. Law noted that the 2008 budget included donations to various service organizations in the Township. She is requesting that they move forward with these donations at a meeting prior to year-end.
 - ii) This will be on the October 16, 2008 BOS agenda.

- o) Letter to Board of Supervisors dated September 3, 2008 from George J. Ozorowski, Esq., re: request for waiver of Section 12-32 (Curbs and Storm Sewers) and request that the application be permitted to use Belgium block outside of the public right-of-way on Application S-06-02 known as Providence Place:
 - i) Mr. Siegel explained that the applicant is requesting permission to install Belgium Block curbing instead of the approved concrete curbing.
 - ii) Mr. George Ozorowski, Esq., indicated that his clients acquired the parcel in June. When the plan was approved, Belgium Block was not an option, however now it is. This will cost more for the applicant to install, however they feel it is more aesthetically pleasing.
 - iii) Supervisor Brown concurred.
 - iv) Chairman Dininny noted that the use of Belgium Block would be better for homeowners in the long run because it requires less maintenance.
 - v) Mr. Manai requested that the applicant submit a detail on how they will address curbing.
 - vi) This will be on the October 16, 2008 BOS agenda.

9) Comments and Other Business:

- a) Supervisor Brown noted that recent legislative changes now require EMS ambulance companies to provide an audit to the Township prior to receiving a contribution. This is also required for the fire company.
 - i) Ms. Law will verify that the audits have been received prior to any contribution being provided.

10) Courtesy of Floor:

- a) Mrs. Maria Parisi – commented that she represents residents from 2783 to 2788 Egypt Road who are wondering what was going on with regard to rezoning that area Village Commercial?
 - i) Supervisor DiPaolo noted that he is trying to schedule a meeting but has not yet set a date. They have the draft ordinance back from the Solicitor and plan to have a meeting soon.
 - ii) Mrs. Parisi asked if she could see the draft verbiage for the ordinance, and if she would be notified of future meetings?
 - iii) Mr. DiPaolo indicated he could email her a draft and would notify her of the meeting date.
- b) Mr. Tom Borai read the following statement into the record:
 - i) As a past member of the BOS and ZHB I asked the BOS at their meeting on the 7th of August about your vote to send the Township Solicitor to represent the Township in the appeal of the White Enterprises decision of the ZHB. It seems that the Code Enforcement Department has done a thorough job in enforcing the Township's ordinances now that the sign is down and the party has moved out of the Township. Now, all that has to happen is for the BOS to change the tract of land to Village Commercial and the party can move back. The VC Committee has suggested that this tract remain residential. Mr. Chairman while viewing the tape of the September 4th and the minutes of the same date line item (9) IV you spoke of paying bills. You stated that this was first brought up by Mr. Brown in Executive Session, and then an hour later in a public meeting by Mr. Borai. I'm glad that you think I have been blessed with super sonic ears to hear what is being discussed in the back room. You talk about character assassinations and personal attacks. What was your intention to throw my name into your conversation? If I was doing my job correctly as a member of the ZHB when this case came before us, it was my duty to the taxpayers of this Township to be as thorough as possible. Here's my file. As a past Supervisor, if I did not believe in what was presented, my vote was nay. There were always three votes to pass the item. A problem this Board never had. Great minds think alike.
 - ii) Chairman Dininny commented that the vote was 2-2. The bill was paid at the next meeting.

11) Adjournment:

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

Respectfully submitted,
Joseph C. Dunbar, Secretary