

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

1) Executive Session:

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

2) Public Meeting: Call to Order

- a) Vice Chairman Sassu 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, DiPaolo and Sassu.
- b) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Project Analyst Nate Dysard, Director of Special Projects and Technology William Roth, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.
- c) Chairman Dininny arrived at 8 p.m.

5) Chairman's Comments:

- a) Vice Chairman Sassu announced that an executive session was held prior to the meeting to discuss legal & personnel 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. Supervisor Brown seconded the motion.
- b) Supervisor Brown commented that he was opposed to paying any bills pertaining to the American Revolution Center (ARC). Supervisor DiPaolo said he was abstaining from voting on the Dec. 4 meeting minutes because he did not attend that meeting. He said he also was opposed to paying bills for the ARC. Mr. Dunbar said that some of these bills were payments to Township consultants and this would mean that those professionals who had already performed their duties would not be paid. He noted that Supervisor DiPaolo had objected to payments for the zoning hearing board process in the past and asked if that was the case now. Supervisor DePaolo said that he objected only to over-budget payments for the zoning hearing board process.
- c) The motion *passed* 4-0, with Supervisor Brown withholding his vote on all payments relating to the ARC and Supervisor DiPaolo withholding his vote on payments relating to the ARC appeal process.

8) Presentations & Commendations:

- a) Presentation to Ryan M. McDevitt on attainment of Eagle Scout Status:
 - i) Supervisor Sassu presented a plaque from the Township to Ryan McDevitt of Troop 369. For his Eagle Scout project Ryan coordinated the construction of four picnic tables for the Township. The tables were placed at the Audubon Recreation Association complex.
- b) Swearing in of Fire Police Officer James M. Duncan
 - i) Supervisor Sassu administered the oath of office to James M. Duncan who also serves as a police dispatcher for the Township.
- c) Presentation of Village Commercial Ordinance by Hannah Mazzaccaro of the Montgomery County Planning Commission:

- i) Ms. Mazzaccaro presented an overview of the current status of the Village Commercial Committee. She said the committee, which has been working since the spring of 2007, is in the final stages of its work and has crafted a draft ordinance that will be turned over to the Township.
- ii) The committee's vision for the Village Commercial districts includes the creation of "destination districts" featuring shops, businesses and dining places that are easy to walk to. These would be visitor friendly areas that respect the historical quality of the areas and protect the surrounding residential neighbors. The goals of the VC District are to encourage new uses of the old and historic buildings, protect existing villages and neighbors, and create a unique character and identity.
- iii) Supervisor DiPaolo noted that public comments gathered from two public meetings were incorporated into the ordinance.
- iv) The committee is proposing a general Village Commercial District for Audubon Village, Eagleville Village, and the Perkiomen Bridge Village, and an Evansburg Village Commercial District tailored specifically to Evansburg given the concentration of historic buildings there. The committee also recommends rezoning the Pinetown and Egypt Road area from VC to Professional/Business Office (PBO) because it is not currently a village area.
- v) **MOTION** – Supervisor DiPaolo made a motion to advertise for a public hearing to consider text amendments to the Village Commercial Ordinance. Supervisor Brown seconded the motion. The motion *passed* 5-0.

9) New Business:

- a) Approval of submission of Pennsylvania Historical & Museum Commission marker grant for the Evansburg Area:
 - i) Mr. Dysard requested that the Board approve submission of a grant application, not to exceed \$4,000, for an historical marker for the Evansburg area.
 - ii) **MOTION** – Supervisor Brown made a motion to approve the grant submission. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- b) Authorization to submit a grant application for a Pennsylvania Community Transportation Initiative Grant to be used toward implementing a closed-loop system on Trooper Road:
 - i) Mr. Dysard stated that this would be submitted under the Department of Transportation's PCTI Smart Transportation Project program. Mr. Dunbar noted that it is a joint application with West Norriton Township, not to exceed \$450,000.
 - ii) **MOTION** – Supervisor Altieri made a motion to approve the grant submission. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- c) Authorization to sign an agreement authorizing Hough Associates to collect the 2008 residential and commercial recycling data and prepare PaDEP 904 Recycling Grant application:
 - i) Mr. Dysard said the contract fee would be an expense to the Township of approximately \$6,200. The grant award is typically \$70,000 to \$80,000.
 - ii) **MOTION** – Supervisor Brown made a motion to authorize the agreement. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- d) Authorization to adopt the 2009 Fee Schedule:
 - i) Mr. Dysard requested that the 2009 Fee Schedule be adopted.
 - ii) **MOTION** – Supervisor Altieri made a motion to adopt the 2009 Fee Schedule. Supervisor DiPaolo seconded the motion. The motion *passed* 4-1. Chairman Dininny opposed the motion.
- e) Authorization to advertise for a conditional use application for Audubon Properties, Inc. on Egypt Road:
 - i) Mr. Siegel explained that this was a re-opening of a conditional use application that had been extended indefinitely.
 - ii) **MOTION** – Supervisor Altieri made a motion to advertise for the conditional use application. Supervisor Dininny seconded the motion. The motion *passed* 5-0.
- f) Authorization to advertise rezoning of Parcel #43-00-04012-00-4, #43-00-03991-00-7, #43-00-12106-00-1 (35 Evansburg Road), and Parcel #43-00-05266-02-08 (0 Evansburg Road):

- i) Mr. Dunbar noted that the three parcels for 35 Evansburg Road had been taken off the agenda at the request of the developer's attorney. The same attorney requested that the authorization to advertise rezoning of Parcel #43-00-05266-02-08 be considered.
- ii) **MOTION** – Supervisor Dininny made a motion to advertise the rezoning. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- g) Discussion on Redevelopment Master Plan for Valley Forge Corporate Center:
 - i) Mr. Dunbar explained that in March 2008 the Board received the final draft of the Valley Forge Corporate Center Master Plan from Simone Collins. A Master Plan Subcommittee has put forth recommendations and is requesting the Board to adopt the plan, with the following recommendations.
 - ii) Near-term recommendations include: Removal of high density residential from the plan; inclusion of some institutional zoning; sector zoning; the linking of any residential component to mixed uses; working with the VFCC Business Association; and pursuit of outside funding sources. Recommendations for the third and fourth quarter of 2009 include engaging a landscape architect to draft a design plan for lighting, signage and landscaping. Recommendations for 2010 and beyond include the continued recruitment of new tenants and a destination attraction, roadway improvements, and creation of attractive public spaces.
 - iii) Solicitor Onorato said that in order to keep the ball rolling it is important to take action on the plan. Supervisor Altieri noted that the recommendations provide action steps.
 - iv) Supervisor DiPaolo suggested that the retail component be limited by square footage as he was concerned about competing with neighboring centers already established. Mr. Dunbar said he envisioned an ad hoc committee, similar to the Village Commercial and Ridge Pike Business District committees, working to fine-tune the recommendations.
 - v) Tom Borai, Brenda Lane resident, asked if Adams Avenue would be opened up with sidewalks so residents could walk between the corporate center and shops/restaurants. Mr. Dunbar said that this connectivity is incorporated into the plan.
 - vi) **MOTION** - Supervisor Altieri made a motion to amend the Master Plan to include the recommendations of the subcommittee. Supervisor Dininny seconded the motion. The motion *passed* 5-0.
- h) Authorization to advertise meeting dates for 2009:
 - i) Mr. Dunbar said the meeting days would remain the same in 2009 with the exception of January: The reorganization meeting will be held Monday, Jan. 5, 2009 and the business meeting will be held Thursday, Jan. 15.
 - ii) **MOTION** – Supervisor Brown made a motion to advertise the meeting dates for 2009. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- i) Discussion on Skippack TMDL Consortium:
 - i) Township Engineer John Chambers explained that a group of municipalities are working together to address forthcoming federal regulations that are designed to control discharges to the Skippack Creek and other creeks. He said the regulations have the potential for a major impact on municipalities. He is requesting that the Township enter into discussions with the group to work with the regulatory agencies in order to get something the township can afford and will have a positive impact.
 - ii) **MOTION** – Supervisor Dininny made a motion to authorize the Township to participate in discussions with the Skippack TMDL Consortium. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- j) Approval of holidays for 2009:
 - i) Mr. Dunbar said there are no changes for 2009. The holidays remain New Year's Day, Presidents' Day, Good Friday, Easter Monday, Memorial Day, Flag Day, Independence Day, Labor Day, Veterans' Day, Columbus Day, Thanksgiving and the Friday after, Christmas Eve, Christmas Day, and two personal days.

- ii) **MOTION** – Supervisor Altieri made a motion to approve the holidays for 2009. Supervisor Sassu seconded the motion. The motion *passed* 4-1. Chairman Dininny opposed the motion.

10) Comments and Other Business:

- a) Adoption of Open Records Policy:
 - i) Mr. Dunbar said the Township’s open records policy had been amended to ensure compliance with the Act 3 of 2008, the new Pennsylvania Right-To-Know law. He requested that the board adopt the policy and the updated Request for Information Form. He also noted that there is a new Open Records Office page on the Township website.
 - ii) **MOTION** – Supervisor Dininny made a motion to adopt the Open Records Policy. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- b) Authorization to advertise Tree Preservation Ordinance:
 - i) Supervisor Brown said the Tree Ordinance Committee is ready to pass a draft ordinance to the Board.
 - ii) **MOTION** – Supervisor Brown made a motion to prepare and advertise the Tree Preservation Ordinance. Mr. DiPaolo seconded the motion. The motion *passed* 5-0.
- c) Payment of bills
 - i) Mr. Dunbar explained that during the Consent Agenda, Supervisors Brown and DiPaolo had abstained on paying bills related to the ARC and Chairman Dininny had not been present for the vote. He suggested that the Board might want to reconsider the vote now that Supervisor Dininny was present.
 - ii) Supervisor Brown said again that he is opposed to all bills pertaining to the ARC. Supervisor DiPaolo said he is opposed to payment of over-budget legal fees pertaining to the ARC. Mr. Dunbar explained that in some cases, the consultants bill the Township and then the Township bills the developer. Supervisor Brown said he does not have a problem with these “pass through” bills, but was concerned with over-budget spending.
 - iii) Supervisor Dininny said that the budget is an estimate based on past experience and there is no way to predict who will sue the township. He said the township is obligated to defend the Township and its ordinance.
 - iv) Mr. Dunbar said he will prepare a breakdown of legal fees associated with the ARC appeals, noting that, in addition to attorneys’ fees, a significant amount has been paid to court stenographers and some fees had been back-billed to the appellant.
 - v) **MOTION** - Supervisor Dininny made a motion to pay all bills that had been excluded in the Board’s vote on the Consent Agenda earlier in the evening. Supervisor Altieri seconded the motion. The motion *passed* 3-2.
- d) Authorization to advertise Traffic Impact Fee Ordinance:
 - i) Mr. Siegel said the Traffic Impact Fee Committee had completed their work. Solicitor Onorato requested authorization to prepare and advertise the ordinance.
 - ii) **MOTION** – Supervisor Brown made a motion to prepare and advertise the Traffic Impact Fee Ordinance. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- e) Supervisor Dininny noted that this was the last meeting of 2008. He wished those in attendance and those at home a safe and happy holiday and New Year. He urged everyone not to drink and drive.
- f) Supervisor Sassu commented on attending the Lower Providence Police Association holiday dinner and thanked the Association for the invitation. He asked that everyone remember our military personnel serving around the world, first responders and all who have to work on the holidays.
- g) Supervisor Sassu noted that Lower Providence Police Officer Matt Kuhnert will be receiving the 2008 David Hancock Award presented by the Montgomery County FOP Lodge for bravery and heroism.
- h) Tom Borai, Brenda Lane, thanked Hannah Mazzaccaro of the Montgomery County Planning Committee for her work on the Village Commercial Ordinance.

11) **Adjournment:**

- a) **MOTION** – Supervisor DiPaolo made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary