

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
APRIL 16, 2009 MEETING MINUTES**

1) Executive Session:

- a) Mr. Brown called the executive session to order at 6:33 p.m., seconded by Mrs. Altieri. The following supervisors were present: Mr. Brown, Mrs. Altieri, Mr. Sassu and Mr. DiPaolo. Mr. Dininny was absent. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Onorato. A discussion took place on legal and personnel matters. Mr. Brown motioned to adjourn the meeting at 7:32 p.m., seconded by Mrs. Altieri.

2) Public Meeting: Call to Order

- a) Chairman Sassu called the public meeting to order at 7:38 p.m.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, DiPaolo and Sassu.
- b) Supervisor Dininny was absent.
- c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Parks & Recreation Director Karl Lukens, Community Relations Coordinator Denise Walsh, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

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

6) Consent Agenda:

- a) **MOTION** – Supervisor Altieri made a motion to approve the consent agenda. Supervisor Brown seconded the motion.
 - i) Supervisor DiPaolo noted that his vote included an abstention from the April 2, 2009 meeting minutes, as he did not attend that meeting.
 - ii) **MOTION VOTE** – The motion *passed* 4-0. There was no public comment on this item.

7) Presentations & Commendations:

- a) Presentation of check to the American Business Club for the Annual Senior Citizens Dinner on May 3, 2009:
 - i) Chairman Sassu read a Township proclamation identifying May 3, 2009 as Senior Citizen's Day, and gave a check to the American Business Club for their Annual Senior Citizens Dinner. Mr. Rick Williams was present to accept the proclamation and check from the Township, and thanked the Board and the Township for this donation.
 - ii) Mr. Dunbar questioned when tickets would be available? Mr. Williams will check into this and make sure they are delivered to the Township building very soon.

8) New Business:

- a) Consideration to take appropriate action of refund on Amusement Taxes to Methacton Community Theater:
 - i) Mr. Dunbar explained that Ms. Law presented information on this matter at the work session. The Methacton Community Theater overstated their returns from a dinner theater presentation, thereby overpaying their taxes. This is a request to refund \$195 in overpaid taxes.
 - ii) **MOTION** – Supervisor Brown made a motion to refund the taxes to Methacton Community Theater. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- b) Consideration to take appropriate action on Providence Oaks deed of dedication and open space trails settlement agreement:

- i) Mr. Onorato noted there has been a long, ongoing dispute with Toll Brothers regarding the Providence Oaks Development. All of the appropriate documents, with the exception of one that still needs to be signed by the Homeowner's Association (HOA), have been signed and delivered. Toll Brothers has agreed to pay \$80,400 in lieu of certain trails that will not be installed, plus an additional \$10,000 for liquid fuels projects. Mr. Onorato has received a release from Providence Oaks HOA with regard to the trails on the plan. He is asking the Board to accept dedication of the trails and open space that will be dedicated to the Township, contingent upon receipt of the last document to be signed.
- ii) **MOTION** – Supervisor Brown made a motion to execute the agreement with the conditions laid out by the Solicitor. Supervisor Altieri seconded the motion.
 - (1) Mr. Brian Dearen from Toll Brothers presented the last, signed HOA agreement to the Board.
 - (2) Mr. Onorato commented that this was the last outstanding document that was needed, therefore that condition is now removed and the agreement could be signed tonight.
 - (3) **MOTION VOTE** – The motion *passed* 4-0. There was no public comment on this item.
 - (4) Mr. Dunbar noted that they now need to arrange a meeting between the HOA and the LPPD to discuss what the homeowners can expect with regard to items being enforced by the LPPD.
 - (5) Supervisor Brown asked if the roads were marked? Chief Carroll believes that all of the streets are marked and appropriate signage has been installed.
- c) Authorization to approve revised rate schedule from McMahon Associates for traffic engineering services:
 - i) Mr. Dunbar explained that after meeting with the principles at McMahon Associates, they offered to reduce rates for the Township. Mr. Dunbar is requesting the Board amend the fee schedule to reflect the new rates.
 - ii) **MOTION** – Supervisor Altieri made a motion to approve the revised fee schedule from McMahon Associates. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- d) Consideration to take appropriate action on Pawlings Road – County Trail driveway access:
 - i) Mr. Dunbar noted this item was discussed during the work session. Mr. Casey Moore of McMahon Associates made recommendations on how to proceed with this matter. Mr. Dunbar is requesting that the Board authorize the Township to have McMahon Associates represent the Township and see if they can install some type of traffic calming devices, and relay their recommendations at the April 28, 2009 meeting on this matter.
 - ii) **MOTION** – Supervisor Brown make a motion to recommend that the Township use McMahon Associates at the April 28, 2009 meeting. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- e) Request for waiver of driveway addition for 3116 Alden Road:
 - i) Mr. Siegel noted that Denyse Hansburg was at the last meeting to explain her waiver request for the side yard setback to expand her driveway.
 - ii) **MOTION** – Supervisor Brown made a motion to grant the waiver for 3116 Alden Road as requested. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- f) Authorization to approve the Act 537 Mt. Kirk special study area:
 - i) Mr. Onorato explained that the Sewer Authority is trying to eliminate surcharges associated with the Mine Run interceptor with this project they are undertaking. To do this, the Board must approve the amendment to the 537 plan.
 - ii) **MOTION** – Supervisor Altieri made a motion to authorize this request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- g) Authorization to approve an ordinance amending Chapter 143 of the Code of the Township of Lower Providence (also known as the Zoning Ordinance of Lower Providence Township) by eliminating the existing VC-Village Commercial District and adding a new VC-Village Commercial District and new EVC-Evansburg Village Commercial District:

- i) Mr. Siegel noted that in February this matter was discussed and a public hearing was held. The Board needs to render a decision on the rezoning amendment.
- ii) **MOTION** – Supervisor DiPaolo made a motion to approve the ordinance. Supervisor Brown seconded the motion.
 - (1) Mr. Onorato commented that there have been some minor changes to the ordinance, as recommended by the Montgomery County Planning Commission (MCPC). This entailed moving two paragraphs from one section to another.
 - (2) **MOTION VOTE** – The motion *passed* 4-0. There was no public comment on this matter.
- h) Authorization to approve an ordinance amending the Zoning Map attached to and incorporated in Chapter 143 of the Code of the Township of Lower Providence changing the zoning classification of certain parcels of land from VC-Village Commercial, PBO-Professional and Business Office District, and new EVC-Evansburg Village Commercial District:
 - i) Mr. Siegel noted a public hearing was also held for this matter at the February meeting. This ordinance encompasses the map changes for the area, primarily going from VC to EVC.
 - ii) **MOTION** – Supervisor DiPaolo made a motion to change the zoning as described. Supervisor Brown seconded the motion.
 - (1) Mr. Joe Schweider, 53 Mill Road, questioned the parcels that would be affected, and asked if this would affect the Colledgeville Inn.
 - (2) Mr. Dunbar explained that there were approximately 37 parcels affected, but this does not include the Colledgeville Inn.
 - (3) Mr. DiPaolo noted most of the parcels were VC, and this just changed them to EVC.
 - (4) **MOTION VOTE** – The motion *passed* 4-0. There was no further public comment on this matter.
- i) Application S-09-01 Provincetowne Minor Subdivision for lot line adjustment:
 - i) Mr. John Kazaris of Czop / Specter, Inc., was present to discuss this plan and answer any questions relating to it.
 - ii) Mr. Kazaris used an aerial map to show the existing versus proposed property lines. The adjustment will correct several problems, including a lot line that goes through an existing house. This change will make the existing deeds match the proposed plan. All of the property owners have agreed to this change.
 - iii) Mr. Kazaris noted they have three waiver requests including the entire sections for 123-14 B & C, and also for subsection D2. These were recommended in the Chambers Associates letter dated February 20, 2009. Mr. Siegel noted these were listed together in one waiver in the resolution.
 - iv) Supervisor Brown asked if they have the signatures of the owners? Mr. Kazaris indicated that the owners will have to sign the plan or it will not be recorded.
 - v) **MOTION** – Supervisor Brown made a motion to grant the three waiver requests as discussed. Supervisor Altieri seconded the motion. The motion *passed* 4-0.
 - vi) **MOTION** – Supervisor Altieri made a motion to grant approval of application S-09-01. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
 - vii) There was no public comment on this item.
- j) Consideration to take appropriate action on Lower Providence Community Center Ambulance Officers participating in County Medical Incident Support Team:
 - i) Chief Carroll explained that they need the Board to authorize this proposal for officers from the Lower Providence Community Ambulance to participate on the Incident Support Team. As discussed by Mr. DeFrancesco at the work session, this will be beneficial to the County and the Township.
 - ii) **MOTION** – Supervisor Brown made a motion to authorize this request. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- k) Consideration to take appropriate action on proposal for planning services from CMX for the Valley Forge Corporate Center:

- i) Mr. Dunbar noted that as part of the ongoing revitalization project in the business park, the Township solicited a proposal from CMX this year to prepare a DVRPC grant application for \$35,000. This grant will fund a trail system, landscaping and gateway features in the Valley Forge Corporate Center (VFCC). DVRPC has referred the application to be considered for approval. If awarded, the Township will be notified in May. Mr. Dunbar is requesting that the Board approve the April 3, 2009 proposal from CMX in the amount of \$45,800. This includes the \$35,000 grant, with the additional money being covered by the Corporate Center improvement fund.
- ii) **MOTION** – Supervisor Altieri made a motion to approve this request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- l) Consideration to take appropriate action on proposal for professional engineering services from Chambers Associates for the Valley Forge Corporate Center:
 - i) Mr. Dunbar requested that the Board authorize a \$7,400 proposal from Chambers Associates to use aerial photographs of existing conditions within the VFCC, and create overlays with the proposed improvements.
 - ii) **MOTION** – Supervisor Altieri made a motion to approve this request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- m) Discussion to take appropriate action on donation for Methacton Wolverines:
 - i) The President of the Methacton Wolverines, Tom Leahan, was present to answer questions on this item.
 - ii) Supervisor Brown asked for an update on the seed, and an explanation on the meter pit. Mr. Leahan noted that the grass seed is germinating. The meter pit is a requirement of the American Water Co. and the Township to ensure proper billing for water used in conjunction with the field. Associated costs are \$3,810 for the box, and then the cost for copper pipe to run from the meter box to the street where the valve is located. This brings the project up to around \$5,000.
 - (1) Mr. Brown asked if the Township provided a \$5,000 donation, would the organization be able to do the rest themselves for this part of the project? Mr. Leahan indicated that they could.
 - iii) Supervisor Altieri asked if the most critical demand for installing the water at this time is to ensure the seed is not lost? Mr. Leahan indicated this was true.
 - (1) Mrs. Altieri asked if the \$5,000 covered all the costs, and they would then be able to run sprinklers to water the grass? Mr. Leahan noted they still need to acquire a water cannon for the watering. These cost about \$3,000 used, and from \$5,000 to \$8,000 new.
 - iv) Supervisor DiPaolo asked what was included in this request for a donation? Mr. Leahan noted that any donation is appreciated, and this would be to install the water line. He noted that they have applied for a DCED grant in excess of \$500,000.
 - v) Mrs. Altieri asked if they had a \$5,000 grant coming from Senator Rafferty? Mr. Leahan indicated they should receive this grant in September.
 - vi) All of the Board members questioned if the Wolverines could move forward with the \$5,000 donation? Mr. Leahan indicated that they could.
 - vii) Mr. Leahan noted they have the excavator there now, this is a huge undertaking but it is moving forward. Chairman Sassu requested that they keep the Township apprised of the progress.
 - viii) **MOTION** – Supervisor Brown made a motion to grant the request for \$5,000 for the meter pit and to run the water line up the hill. Supervisor Altieri seconded the motion. The motion *passed* 4-0.
- n) Authorization to advertise conditional use application for Audubon Properties Inc., Egypt & Pinetown Roads:
 - i) Mr. Siegel has received an application for a conditional use hearing for the Audubon Shops in May, and is requesting authorization to advertise this.
 - ii) Supervisor DiPaolo questioned what other hearings would be on the May agenda. After Mr. Dunbar identified three known items, Mr. DiPaolo commented that they should get the

Conditional Use applications that area already open out of the way first. He recommended this application not be considered until June.

iii) Mr. DiPaolo asked if there was an indefinite extension on this? Mr. Siegel believes it is only until May. Mr. Onorato recommended that they authorize this for May or June, depending on the extension.

iv) **MOTION** – Supervisor DiPaolo made a motion to authorize scheduling of the hearing based on the expiration date of the extension. Supervisor Altieri seconded the motion. The motion *passed* 4-0.

o) Letter to Board of Supervisors from Jean E. Bochnowski, Director of John James Audubon Center at Mill Grove dated April 2, 2009 re: request for waiver of permit fees in the amount of \$324.00 for the installation of a second heating / air conditioning system:

i) Mr. Siegel has received a request from Jean Bochnowski, the Director at Mill Grove, for a waiver of permit fees in the amount of \$324, for the installation of a second heating system in the barn. The Township has typically waived building permit fees for Mill Grove in the past.

ii) **MOTION** – Supervisor DiPaolo made a motion to grant the waiver of the permit fees.

Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.

p) Letter to Board of Supervisors from Jean E. Bochnowski, Director of John James Audubon Center at Mill Grove dated April 2, 2009 re: request for waiver of permit fees in the amount of \$806.00 for the installation of a permanent bathroom attached to the new pavilion:

i) Mr. Siegel has received a request from Jean Bochnowski, the Director at Mill Grove, for a waiver of permit fees in the amount of \$806, for the installation of a bathroom near the pavilion.

ii) **MOTION** – Supervisor Altieri made a motion to grant the waiver of the permit fees. Supervisor DiPaolo seconded the motion.

(1) Supervisor Brown asked where this would run? Mr. Siegel noted there would be a septic tank system on site.

iii) **MOTION VOTE** – The motion *passed* 4-0. There was no public comment on this matter.

q) Letter to Board of Supervisors from Jean E. Bochnowski, Director of John James Audubon Center at Mill Grove dated April 2, 2009 re: request for waiver of permit fees in the amount of \$105.00 for the installation of a fireplace adjacent to the new pavilion:

i) Mr. Siegel has received a request from Jean Bochnowski, the Director at Mill Grove, for a waiver of permit fees in the amount of \$105, for the installation of a fireplace. He noted that the State UCC code requires a permit for fireplaces of this size.

ii) **MOTION** – Supervisor DiPaolo made a motion to grant the waiver of the permit fees.

Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.

9) Public Hearing:

a) *Mr. Byron Battle was present to create a complete record of testimony for the hearings.*

b) Adoption of an amendment to the Lower Providence Recreation Plan – Evansburg Point Park:

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 provided a background on the hearing, and Mr. Lukens reviewed the proposed changes.

iii) During the course of the hearing the following exhibits were entered into the record:

(1) Exhibit T1 – Proofs of publication, a copy of the updated Evansburg Point Park Site Plan dated 4/14/09, an update from DCNR dated 2/11/09, a letter from John Norbeck at DCNR dated 4/1/09, and copies of Parks & Recreation minutes from 11/18/08 and 1/13/09.

iv) The following individuals commented during the hearing:

(1) Mr. Ray Martinez, 3786 Lewis Road, spoke in favor of the plan.

v) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 4-0.

- vi) **MOTION** – Supervisor Brown made a motion to adopt the amendments to the Recreation Plan for Evansburg Point Park. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0.
- c) Ms. Penny Goodson, 61 Pechins Mill Road, commented that this was the second time she has taken off from work for a hearing related to the Colledgeville Inn and it was not on the agenda. She asked how she could find out if the hearing is on the agenda? Mr. Dunbar noted the agenda is on the web site and she can also call the Township the day of the meeting to confirm this. He indicated that the application should be under consideration at the May 21st meeting.

10) Comments and Other Business:

- a) Mr. Dunbar had several items for the Board’s consideration:
 - i) Mr. Dunbar requested authorization to advertise the clean-up ordinance once staff has prepared it.
 - (1) **MOTION** – Supervisor Brown made a motion to authorize the advertisement. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
 - ii) Mr. Dunbar noted that the Federal Transportation Bill would be up for reauthorization in September. He is requesting authorization to work with West Norriton to prepare and submit their Federal transportation requests for the Trooper Road corridor to Congressman Sestak by April 27th. He is also requesting authorization for \$2,500 of engineering expenses to be paid to McMahan Associates in relation to this work.
 - (1) **MOTION** – Supervisor Altieri made a motion to authorize this request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
 - iii) Mr. Dunbar explained that the Township applied for a \$448,000 PCTI grant for the close loop system on Trooper Road. There is no local match required for this grant, but they will not have a decision on it until late May. There has been discussion with the stakeholders in the River Crossing project, and funds received to date for that have been \$245,000 with no local match required. As a supplement to or extension of the River Crossing project, and contingent upon their not receiving the PCTI grant, they can allocate this money toward the close loop project, with Lower Providence and West Norriton matching the funds.
 - (1) **MOTION** – Supervisor Brown made a motion to authorize this request. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
 - iv) Mr. Dunbar requested authorization to prepare and advertise for bids related to the Evansburg Point Park project. This is in anticipation of DCNR approval, and so that they can get some of the improvements installed this year.
 - (1) **MOTION** – Supervisor DiPaolo made a motion to authorize the advertisement. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- b) Mr. Chambers noted that the Township would have a short time to act on DPDES changes to stormwater requirements that were published in early April. He is requesting the Board to direct the Manager to write a letter to the Secretary of the DEP requesting a 90-day extension to respond. This will allow the Township the time to properly review and comment on these changes.
 - i) **MOTION** – Supervisor Altieri made a motion to have the Township Manager proceed with the extension request. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- c) Supervisor Brown noted that the Mill Grove Art Show begins this Saturday and runs through Wednesday. There are 270 entries, and he encouraged people to attend.
- d) Chairman Sassu commented on several recent events that he attended:
 - i) He went to an after school safety seminar with the Township’s School Resource Officer. There are shocking statistics out there on school violence.
 - ii) The Montgomery County FOP honored recently retired LPPD officers Stan Siuchta and Dan McCabe at their last meeting.
 - iii) On May 4th the Annual Montgomery County Police Memorial ceremony will be held at the Montgomery County Courthouse, and he urged people to attend this event.

- iv) On May 6th, the Bridgeport Police Memorial will be held.
- v) Mr. Sassu noted that Corporal Tom Momme traveled to Pittsburgh to attend the services for the fallen police officers. There were over 15,000 officers in attendance from around the country.

11) Courtesy of the Floor:

- a) Mr. Leroy James Waters, III, commented on the public safety issue of broken utility poles and wires. He intends to file a formal complaint, and will be videotaping the various violations he sees throughout the Township. Mr. Waters asked if the Township had any communication with the utility companies on this matter, noting the issues are primarily with PECO and Comcast. Representatives from Comcast are saying the problems go back to the break-up of the Bell System. He has called Emergency Management Coordinator Charles DeFrancesco and left a message with his concerns.
 - i) Chairman Sassu asked if Mr. Waters identified specific locations? Mr. Waters has not gotten that far yet.
 - ii) Mr. Sassu requested that Mr. Waters supply a list of poles and locations so the Township can call them in to the utility company.
 - iii) Mr. Waters expressed concern over a problem at Sunnyside and Eagleville and also wires hanging over parking lots. He will forward the list once it is compiled.

12) Adjournment:

- a) **MOTION** – Supervisor Brown made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 4-0. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary