

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
JUNE 18, 2009 MEETING MINUTES**

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**1) Executive Session:**

- a) Mrs. Altieri called the executive session to order at 6:33 p.m., seconded by Mr. Brown. The following supervisors were present: Mrs. Altieri, Mr. Brown, Mr. Dininny, and Mr. Sassu. Mr. DiPaolo was absent. Also present were Township Manager Mr. Dunbar and Solicitor Onorato. A discussion took place on legal, personnel matters and real estate matters. Mrs. Altieri motioned to adjourn the meeting at 7:29 p.m., seconded by Mr. Brown.

**2) Public Meeting: Call to Order**

- a) Chairman Sassu called the public meeting to order at 7:35 p.m.

**3) Pledge of Allegiance**

- a) At Chairman Sassu's request, a moment of silence was held in remembrance of PA State Trooper Joshua Miller, who was killed in the line of duty this week.

**4) Roll Call:**

- a) The following members were present: Supervisors Altieri, Brown, Dininny, and Sassu.  
b) Supervisor DiPaolo was absent.  
c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Public Works Director David Shaffer, Parks & Recreation Director Karl Lukens, Project Analyst Nate Dysard, Human Resources Coordinator Geri Golas, Director of Special Projects and Technology William Roth, 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. The motion *passed* 4-0. There was no public comment on this item.

**7) Presentations and Commendations:**

- a) Presentation to Tibor Sabo recognizing 5 years of service with the Lower Providence Township Public Works Department:  
i) Supervisor Sassu presented a gift to Mr. Tibor Sabo to recognize his five years of service with the Lower Providence Township Public Works Department as a mechanic.  
b) Presentation to Joseph Dunbar recognizing 5 years of service as Lower Providence Township Manager:  
i) Supervisor Sassu presented a gift to Mr. Joseph Dunbar to recognize his five years of service as the Lower Providence Township Manager. Mr. Sassu noted Mr. Dunbar's service to the Township prior to this position including participation on the Park & Recreation Board, and as a member of the Board of Supervisors, as well as on a variety of community organizations.  
ii) Mr. Dunbar noted the support of staff, the residents, and the Board of Supervisors has made this a quick and successful five years.

**8) Old Business:**

- a) Authorization to purchase and implement Exchange Journaling and to update the Township's email policy to ensure compliance with PA Right-to-Know Law:  
i) Mr. Roth explained that to be in compliance with the PA Right-to-Know Law as it pertains to email; he is requesting authorization to purchase and implement Exchange Journaling. This allows the Township server to record all email coming in and out of the Township. The \$1,807 cost covers disc space, storage, and the cost to implement this software.

- ii) **MOTION** – Supervisor Dininny made a motion to authorize the request. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- b) Authorization to enter into an Intergovernmental Cooperation Agreement for legal services for stormwater regulatory support:
  - i) Mr. Onorato explained that this resolution is to enter into an agreement to share legal fees with other municipalities in the area with respect to stormwater regulations being proposed by DEP in this area. Quite a few municipalities have already approved similar resolutions, and joined into a consortium in an effort to combat the onerous regulations being imposed by DEP in the State.
  - ii) **MOTION** – Supervisor Altieri made a motion to authorize entering into the agreement. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- c) Authorization to advertise a joint session of the Valley Forge Corporate Center Redevelopment Master Plan Implementation Committee and the Board of Supervisors for June 29, 2009:
  - i) Mr. Roth noted this was a meeting to present a plan to the Board and the public with regard to the progress and future plans as they pertain to redevelopment of the corporate center. This meeting will occur on June 29, 2009 at 6 p.m.
  - ii) **MOTION** – Supervisor Altieri made a motion to authorize the advertisement. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- d) Authorization to prepare and advertise an ordinance amending the Traffic Impact Fee Ordinance:
  - i) Mr. Dunbar commented that as part of the joint session with the business park community and the BOS, he would like to hold a public hearing on June 29, 2009, also at the 6 p.m. meeting, to review the proposed changes to the ACT 209 ordinance.
  - ii) **MOTION** – Supervisor Dininny make a motion to authorize the advertisement and hearing. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- e) Authorization to prepare and advertise the Equipment Rental Bid:
  - i) Mr. Dysard noted that the current equipment rental bid would expire at the end of this year. He is seeking authorization to advertise the new bid for 2010.
  - ii) **MOTION** – Supervisor Brown made a motion to authorize preparation and advertisement of the bid. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.
- f) Authorization to dispose of equipment via auction:
  - i) Mr. Dysard explained that there are several pieces of equipment and tires that are being recommended for sale at auction.
  - ii) **MOTION** – Supervisor Dininny made a motion to authorize this request. Supervisor Altieri seconded the motion.
    - (1) Supervisor Brown asked who would purchase used tires? Mr. Dysard explained that these tires are from large equipment, and there are some buyers who would reuse them.
    - (2) Chairman Sassu asked if they would use a municipal bid? Mr. Dysard indicated they would, and if they do not sell they will find alternative means to dispose of the equipment.
    - (3) **MOTION VOTE** – The motion *passed* 4-0. There was no public comment on this matter.
- g) Authorization to apply to the U.S. Department of Justice Bulletproof Vest Partnership Program for vests scheduled for replacement:
  - i) Chief Carroll requested authorization to submit an application to the U.S. Department of Justice Bulletproof Vest Partnership Program, which will provide a 50% reimbursement on any new vests purchased. The LPPD needs to replace 23 vests in a 12-18 month period.
  - ii) **MOTION** – Supervisor Brown made a motion to authorize the request. Supervisor Altieri seconded the motion.
    - (1) Supervisor Brown asked what the life expectancy was for these vests? Chief Carroll indicated that it was five years.

(2) Chairman Sassu asked what they did with the old vests? Chief Carroll indicated they would probably donate them to a military unit or find an alternative place to donate them to.

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

h) Letter to the Board of Supervisors from Jean Bochnowski, Director of the John James Audubon Center at Mill Grove dated April 8, 2009 re: request of permit fees in the amount of \$75 for the installation of a fence near the new pavilion:

i) Mr. Dunbar noted this was a request from Jean Bochnowski, Director of the John James Audubon Center at Mill Grove for the waiver of the \$75 fee related to work being done on their property.

ii) **MOTION** – Supervisor Brown made a motion to grant the fee waiver. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this matter.

## 9) Public Hearing:

a) *Mr. Tim Kurek was present to create a complete record of testimony for the following hearings.*

b) Continuation of the Conditional Use Hearing for the Shoppes at Audubon CU-06-04:

i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Dininny seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

ii) Mr. Onorato explained that this hearing was being continued from several months ago.

iii) Ms. Bernadette Kearney, Esq., was present to represent the applicant, Audubon Land Development.

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

(1) **Exhibit T4** – A packet containing the notice of certificate of posting of the property, a copy of the public hearing and meeting notice, a copy of the letter send to surrounding residents and list of the residents who received this mailing, and a copy of the advertisement in the Times Herald with proofs of publication.

(2) **Exhibit A20** – A rendering of the side and rear of the proposed building.

(3) **Exhibit A21** – A picture of a retaining wall located on Shannondell Boulevard.

(4) **Exhibit A22** – A 29-page report of Geotechnical Investigation prepared by Earth Engineering Incorporated, dated June 16, 1997.

(5) **Exhibit A23** – A Phase I Environmental Study Report.

(6) **Exhibit A24** – The CV of Mr. Frank Montgomery, Project Manager with Traffic Planning & Design (TP&D).

(7) **Exhibit A25** – A traffic study prepared by TP&D dated February 10, 2006, with a revision date of March 12, 2009.

(8) **Exhibit A26** – A 3-page review letter prepared by McMahan Associates dated April 9, 2009.

(9) **Exhibit A27** – A 4-page response to Exhibit A26 prepared by Mr. Montgomery of TP&D.

v) Mr. Dave Rittenhouse from Audubon Land Development was previously sworn in as a witness, and provided additional testimony during the hearing.

(1) Supervisors Brown, Sassu and Altieri had questions of Mr. Rittenhouse during the hearing, some of which related to construction materials, design, and fill quality.

vi) Mr. Frank Montgomery, Project Manager with TP&D was sworn in as a witness.

(1) Supervisors Brown, Dininny and Altieri had questions for Mr. Montgomery, along with Mr. Onorato and Mr. Dunbar, all primarily relating to traffic.

vii) Public Questions – The following members of the audience had questions for the witnesses:

(1) Mr. Brian Hart, 16 Brenda Lane.

(2) Mr. Ed Grant, 2788 Egypt Road.

(3) Mr. Steve Sturowski, 214 Pinetown Road.

(4) Mr. Joseph D'Maria, Lower Providence Road & Gun Club.

(5) Richard Salt, 605 Meadowlark Road.

(a) Ms. Kearney objected to Mr. Salt's testimony.

viii) Mr. Ken O'Brien, Township Traffic Engineer, McMahan Associates, was sworn in as a witness.

(1) There were no questions for Mr. O'Brien.

- ix) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- c) An ordinance amending the Code of Lower Providence Township, Part 1, Administrative Legislation, Chapter 34: Pensions, Article II – Participation, Article III – Retirement Benefits, and Article IV – Termination of Employment Benefits:
  - i) **MOTION** – Supervisor Dininny made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
  - ii) Mrs. Golas provided testimony relating to the ordinance.
  - iii) There were no questions from the Board or the public relating to this hearing.
  - iv) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Dininny seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
- d) An ordinance amending and restating the Governmental Money Purchase Plan and Trust adopted for the benefit of non-uniformed employees on June 20, 2002:
  - i) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Dininny seconded the motion. The motion *passed* 4-0. There was no public comment on this item.
  - ii) Mr. Onorato provided testimony relating to this ordinance.
  - iii) There were no questions from the Board or the public relating to this hearing.
  - iv) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

**10) Ordinances and Resolutions:**

- a) Conditional Use Hearing for the Shoppes at Audubon CU-06-04:
  - i) **MOTION** – Supervisor Dininny made a motion to grant the conditional use for the Shoppes at Audubon under and subject to an opinion decision to be prepared by the Township Solicitor. Supervisor Altieri seconded the motion.
    - (1) Supervisor Altieri asked if they should reiterate any of the conditions? Mr. Onorato explained that the conditions would be listed in the decision he prepares for the Board, which they will vote on at a subsequent meeting.
    - (2) Supervisor Dininny noted that there were a lot of issues relating to stormwater that will be addressed during the land development portion of the project.
    - (3) Supervisor Brown indicated that he could not vote on this project until the traffic issues are properly resolved.
    - (4) Mrs. Altieri noted this plan originated prior to her being on the Board. She asked if a condition could be applied whereby the traffic signal must be installed prior to development?
      - (a) Mr. Dave Rittenhouse indicated that they needed to be able to finance the project improvements. They area willing to pay for the installation of the light, once development is occurring, and possibly prior to opening the center.
      - (b) Mr. Dunbar remarked that a commitment had been made by Audubon Land Development ten years ago regarding the installation of the light. He sees this as an outstanding commitment from that firm, and the sooner it is installed, the better.
    - (5) Mrs. Altieri indicated that she concurs with Mr. Brown’s traffic concerns, especially on traffic coming from Upper Providence. However, she does not want to penalize Lower Providence for Upper Providence’s traffic issues by deterring development that will provide revenue to the Township.
      - (a) Mr. Brown indicated that they needed to look at the traffic issues and work with Upper Providence to improve the traffic. Audubon Land Development is not working with this Township to address those concerns.
      - (b) Mr. Dininny commented that during meetings for the American Revolution Center, Upper Providence came to the Township asking that they direct traffic fees to their Township. At that time Mr. Dininny remarked that residents should be concerned with the impact that development in Upper Providence would have on this Township, which has been considerable. This project will not have anywhere near the impact on Lower Providence

as the pending projects in Upper Providence will have. He is, however, very concerned with the Pinetown Road traffic issues.

- (c) Mr. Dunbar noted that Lower Providence has a very good working relationship with West Norriton, East Norriton and Upper Merion, and have improved the relationship with Upper Providence. Change is slow

(6) Public Comments:

- (a) Mr. Randolph Roberts, 201 Church Road, commented that the Township donates \$100,000 to the fire company. The fire company must respond to numerous false alarms at the Shannondell community, owned by Audubon Land Development. Mr. Roberts noted that there were items the developer was asked to install at Shannondell that they said were too expensive to do, but they have money to develop other properties, while taxpayer funded money to the fire company is wasted on these false alarms.

(7) **MOTION VOTE** – The motion *passed* 3-1. Supervisor Brown opposed the motion.

- (a) Chairman Sassu concurs with the traffic issues coming from development in Upper Providence. He asked Mr. Rittenhouse to take these concerns back to his firm.

b) An ordinance amending the Code of Lower Providence Township, Part 1, Administrative Legislation, Chapter 34: Pensions, Article II – Participation, Article III – Retirement Benefits, and Article IV – Termination of Employment Benefits:

- i) **MOTION** – Supervisor Altieri made a motion to adopt the ordinance. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

c) An ordinance amending and restating the Governmental Money Purchase Plan and Trust adopted for the benefit of non-uniformed employees on June 20, 2002:

- i) **MOTION** – Supervisor Altieri made a motion to adopt the ordinance. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

d) A resolution adding management employees to the defined benefit plan:

- i) Mrs. Golas explained that this resolution would allow management employees to participate in the plan by transferring their entire balance into it. Participation in the plan is voluntary, however transfer of the funds is not.

- ii) **MOTION** – Supervisor Brown made a motion to adopt the resolution. Supervisor Altieri seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

e) A resolution on the retirement of Foose, Nyce, and Woods:

- i) Mrs. Golas explained that this resolution gives a \$25,000 one-time lump sum incentive to each of the three employees. This money comes out of 2009 budgeted payroll funds, and the true savings will be realized in the 2010 budget.

- ii) Mr. Onorato noted one change to paragraph one in the resolution; the retirement date should be July 4, 2009.

- iii) **MOTION** – Supervisor Altieri made a motion to adopt the resolution. Supervisor Brown seconded the motion. The motion *passed* 4-0. There was no public comment on this item.

f) A resolution amending Shannondell Phase One Tree Replacement:

- i) Mr. Onorato explained that there are several phases to the Shannondell project. The first phase was approved in 1999, and required replacement trees to be planted. Some trees were planted, however there was not enough space to plant all of the trees, and 674 2-1/2” caliper trees could not be planted. The developer has agreed to complete four Township projects in lieu of planting the trees, and this resolution provides an amendment on the matter. This amendment only pertains to phase one, and amends final plan approval to permit the projects in lieu of the trees.

- ii) Mr. Dunbar noted that development fees fund the Park & Recreation budget. This budget is far behind original estimates, and the projects being proposed are from the 2009 Park & Rec. Capital Projects with the exception of Cranberry Park. There is a very specific timeline relating to the completion of these projects.

- iii) Mr. Brad Macy, Vice President of Development for Audubon Land Development, was present to represent the developer. Mr. Macy indicated that they would construct the following improvements for the Township in lieu of tree replacement:
  - (1) Construct a backstop at Eagleville Park – Mr. Macy indicated that Township crews will remove the existing backstop prior to construction of the new one.
  - (2) Resurface the playground area at Eagleville Park – Mr. Macy indicated that Township crews will remove the existing wood chips, and they will then install a pour-in-place rubber surface.
    - (a) Supervisor Brown asked how the rubber stays in place? It was explained that this is poured and firms up in the location it is poured.
    - (b) Mr. Dunbar noted that the playground is ADA compliant, however it is difficult to roll wheelchairs on the existing surface.
    - (c) Mr. Macy commented that the new surface will have a 15-20 year lifespan, and does not require maintenance.
  - (3) Overlay the existing walking trail at Eskie Park – Mr. Macy indicate that Township crews would prepare the trails, and they would overlay the trails with 2” of blacktop. In the lower areas they need to put some topsoil down to raise up the trail a bit.
  - (4) Wetlands clean up at Cranberry Park – Mr. Macy noted they would clean up the perimeter of the existing wetlands, which is built-up with weeds. They will treat this area two times by October, and will then be planted with trees and shrubs as indicated on the Township’s plan.
    - (a) Mr. Lukens noted that center part would be meadow, with trees on the perimeter.
    - (b) Mr. Macy indicated there would be 40 trees and 300 shrubs planted on the property.
- iv) Supervisor Dininny asked what the value would have been for the 674 2-1/2” caliper trees?
  - (1) Mr. Macy had a quote for \$84,640. The projects are budgeted at \$93,000.
  - (2) Mr. Dininny asked what the tree replacement fee would be? Mr. Dunbar indicated that this varied, the projects would cost the Township \$160,000 to \$180,000 if they had to do them themselves.
  - (3) Mr. Dininny noted that there is a football field out front that could also use a little help, and encouraged Mr. Macy to get in touch with Mr. Tom Leahan who is in the audience, should they have a little bit of extra time or funding for projects.
- v) **MOTION** – Supervisor Altieri made a motion to adopt the resolution. Supervisor Brown seconded the motion. The motion *passed* 3-1. Supervisor Dininny opposed the motion. There was no public comment on this item.
- vi) Chairman Sassu also urged Mr. Macy to talk to Mr. Leahan about their needs for the football field.

**11) New Business:**

- a) Chairman Sassu read an announcement, which is also posted on the Township website, relating to the First annual 5k run in memory of Sgt. Marc Small. This race is called “On Your Marc” and is held in conjunction with the Parks & Recreation Committee. Proceeds from the race will benefit the non-profit organization Small Steps in Speech. This event needs support from local businesses.
  - i) Supervisor Brown suggested it also be listed on the community access channel.

**12) Comments and Other Business:**

- a) Mr. Paul Heinegg, 2006 Windsor Drive, stated that the planned extension of Shannondell Blvd. would not relieve traffic on Trooper Road and Egypt Road. He stated that the Park Avenue and West Main Street intersection is the bottleneck for this traffic, which he claims is the second most dangerous intersection in the Township.
  - i) Chairman Sassu asked how he determined this intersection was so dangerous? Mr. Heinegg stated he obtained this data from Chief Carroll.
  - ii) Chief Carroll indicated this was not true. He met with Mr. Heinegg to provide accident information for the intersection of Shannondell Blvd. and Trooper Road. Mr. Heinegg wanted information on the most dangerous intersections, which is determined by the number of accidents.

- iii) Mr. Heinegg commented that the rush hour traffic on Park and West Main Street backs up for several light changes and is the bottleneck for all traffic below it. He discussed how traffic flowed in the surrounding areas, and the associated timeframes for how long traffic backs-up in these areas. He concluded that the extension of Shannondell Blvd. will not help this traffic flow, but will create new problems.
- iv) Supervisor Dininny noted that he would like the owners of Shannondell Blvd. to come into the Township and discuss options of what could be done with it, and he is willing to discuss this further with Mr. Heinegg later.
- b) Mr. Randolph Roberts, 201 Church Road, thanked Mr. Dunbar for assisting him in answering some questions that he had. He noted that to do so, Mr. Dunbar also needed to obtain information from Mr. Shaffer and Chief Carroll, and this was done in a timely manner.
  - i) Supervisor Dininny commented that one of the things he definitely did right during his tenure was to bring Joe Dunbar on board as Township Manager. He stated that Mr. Dunbar expects the best, is a good ambassador to surrounding Townships, he has been a true champion for the community, and is a great asset to the Township.

**13) Adjournment:**

- a) **MOTION** – Supervisor Dininny made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 4-0. The meeting adjourned at 9:55 p.m.

**Next Work Session Meeting:** July 2, 2009

**Next Business Meeting:** July 16, 2009