

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 3, 2009 MEETING MINUTES**

1) Executive Session:

- a) Mrs. Altieri called the executive session to order at 6:00 p.m. seconded by Mr. Dininny. The following Supervisors were present: Mrs. Altieri, Mr. Sassu, Mr. Brown, and Mr. Dininny. Also present were Township Manager Mr. Dunbar and Solicitor Onorato. Mr. DiPaolo was absent. A discussion took place on legal, personnel and real estate matters. Mr. Brown motioned to adjourn at 7:35 p.m., seconded by Mr. Dininny.

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, Dininny, Brown, and Sassu.
- b) Supervisor DiPaolo was absent.
- c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Project Analyst Nate Dysard, Accounting Manager Susan Law, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Sassu announced that an executive session was held prior to the meeting and on Tuesday, August 25 to discuss legal, personnel and real estate matters. He further explained this was a work session.

6) Presentations & Commendations:

- a) Presentation to Michael Keefe on Attainment of Eagle Scout Status:
 - i) Chairman Sassu presented a plaque to Michael Keefe of Troop 113 for his attainment of the rank of Eagle Scout. Michael is entering his senior year at Methacton High School. His Eagle project involved collecting blankets, sheets and clothing for hospitals in Iraq and supplies for U.S. soldiers serving there.
- b) Presentation to Cpl. David Detwiler on his retirement after 28 years of service to the Lower Providence Township Police Department:
 - i) Chairman Sassu and Chief Carroll presented a plaque to Cpl. Detwiler, thanking him for his outstanding dedication and service during his 28 years with the Township Police Department.
 - ii) State Senator John Rafferty and Representative Mike Vereb presented citations from the Pennsylvania State Senate and House of Representatives, respectively.
- c) Presentation of Commendations to Citizens and Officers for Burglary Arrests
 - i) Joshua Furman and Nicholas Furman were commended for their part in reporting suspicious activity in their neighborhood. Their information led to an arrest and recovery of items taken in a burglary of the home of Supervisor Rick Brown. Chairman Sassu and Chief Carroll offered the thanks of the Board of Supervisors and citizens of Lower Providence to the brothers for their conscientious efforts.
 - ii) Distinguished Unit Citations was awarded to the following members of the Lower Providence Township Police Department for their efforts in the same incident: Lt. Stanley Turtle, Detective Sgt. Terry Kennedy, Sgt. Keith Gordon, Officer Robert Cable, Detective Michael Jackson, Officer Tim Arthur, and Officer Michael Nastasi. Chairman Sassu and Chief Carroll commended the men on their outstanding police work.
- d) Presentation of Commendations to Officers for Burglary Arrests

- i) Distinguished Unit Citations were presented to Sgt. James Crawford and Officer Reginald Nealy for their role in apprehending two burglary suspects. Chairman Sassu and Chief Carroll thanked them their professionalism and sound tactics used in taking two serious offenders of the street.
- e) Presentation to Officer Richard Aston from the PA Aggressive Driving Enforcement & Education Program
 - i) Officer Aston was awarded a Certificate of Appreciation for his valuable contributions to the state's Aggressive Driving Enforcement and Education Program.

7) Discussions:

- a) Discussion on Pension Plan – Minimum Municipal Obligation (MMO):
 - i) Ms. Law reported that the Township actuary had calculated the Township's Minimum Municipal Obligation for 2010 as follows: A total of \$660,924.00 with state aid of \$312,700.00, leaving the Township responsible for approximately \$348,224.00.
- b) Discussion on Year-to-Date Financial Snapshot:
 - i) Mr. Dunbar presented an overview of the financial status of the Township. He said he would be present unreconciled numbers as of August 31, 2009. As a starting point, he said the budgeted total revenue for 2009 was \$10,433,778.00 and the budgeted total expenses were \$9,884,678.
 - ii) Mr. Dunbar said that based on monthly averaging, the Township should be at 66 percent of budget at this point. Total incoming revenue puts the Township at 71 percent. While this seems encouraging, he cautioned that revenue such as property taxes generally come in this time of year and the Township may see a slowing for the remainder of the year. He also said that there are several large expenditures that have yet to happen, including open space acquisitions. Fortunately, he said, the Township took proactive measures in April, May and June to minimize exposure.
 - iii) Earned Income Tax collection for 2009 and Real Estate Taxes, when compared to 2008, are on pace, he said. The Local Services Tax is behind plan by close to \$70,000 and is a good indication of job loss, Mr. Dunbar noted. Additionally, despite the Township's ultra-conservative approach in the budget, Real Estate Transfer Taxes are off a significant amount. Community Development revenue and Per Capita Tax revenue also are both behind plan.
 - iv) Year-to-date revenue compared to budget, the Township is \$18,000 ahead of plan. However, last year at this time, the Township was close to \$400,000. The Township is approximately \$900,000 under budget with expenditures; some \$300,000 of that are open space acquisition funds. Mr. Dunbar said that the Township had some staff reductions, early retirements, and noted the successful procurement and energy efficiency efforts of Mr. Dysard. He said that a legal settlement expected in 2008, but received this year has put Parks and Recreation at 103 percent of budget.
 - v) In conclusion, Mr. Dunbar said that the Board's proactive and conservative approach should help the Township as revenue trends downward.
- c) Application S-09-03 Shwarder Tract for preliminary plan approval:
 - i) Mr. Christopher Martincic, P.E., representing the applicant, outlined subdivision plans for the property at 25 Featherbed Lane. The parcel would be subdivided into 5 lots for sale as single-family dwellings and this is a by-right use. Four lots would use a cul-de-sac to be constructed and the fifth would use the existing driveway. No waivers are necessary.
 - ii) Mr. Brown said he appreciated that the plan requires no waivers.
 - iii) Mrs. Altieri asked why the sidewalks weren't shown on the title plan. Mr. Martincic said they are shown on the grading plan.
- d) Application S-09-04 262 River Road for preliminary/final plan approval:
 - i) Su Creveling, engineer for the applicant, introduced the project that proposes a two-lot subdivision with a small parcel for annexation to a neighboring property. Ms. Creveling said it is a minor subdivision creating one new building lot and one existing building lot that contains two structures.
 - ii) Supervisor Brown said he had received emails from the neighbors with several concerns and asked about the current shared driveway. Ms. Creveling said it is staying as is. He said there also

- were concerns about flooding on the lower end of the property on the driveway. Ms. Creveling said that there are inlets near the property that are in need of maintenance and may be preventing drainage. She said they are working out the details of the required stormwater management plan.
- iii) Mr. Brown asked if the apartments that are currently there pre-date zoning and asked staff to check on zoning or neighbors to provide background.
 - iv) Mr. Dunbar noted that the agenda for the September 17 meeting will be set next week and expressed concern that there would not be sufficient time for the stormwater plan to be reviewed by the Township engineer.
 - e) Application S-09-05 2637 Ashley Circle:
 - i) Patrick Kowalick, engineer for the applicant, introduced the plan, a two-lot subdivision fronting Ashley Circle. One waiver was received from the Planning Commission for distance between curb cuts. The plan has been before the Zoning Board.
 - f) Ordinance Amending the Zoning Map to delete the Institutional Overlay from the Collegeville Inn property:
 - i) Mr. Dysard said that about a year ago the Board considered removing the INO Zoning District from five parcels along Ridge Pike, three of which comprise the Collegeville Inn property. At that time the Board did not take action. The Planning Commission has recommended lifting the zoning and the Board will consider the item at the September 17 business meeting.
 - ii) Mr. Dunbar noted that the Township had received an email from the property owner stating that they intended to submit a conditional use application; none has been received to date.
 - g) Approval of written decision for 3236 Ridge Pike:
 - i) Mr. Dysard said that as a result of a conditional use hearing at the Aug. 24, 2009 Board of Supervisors meeting Solicitor Onorato will be preparing a written decision for the Board's action on September 17. Mr. Onorato asked that the transcript of the hearing be forwarded to him.
 - h) Extension for conditional use decision for Audubon Properties Inc./Egypt and Pinetown Roads:
 - i) Mr. Dysard said that the applicant has authorized an extension to September 30, 2009 to render a conditional use opinion. Mr. Onorato explained that there have been four hearings over the course of three years. He is preparing the written decision.
 - i) Discussion of 2793 Egypt Road:
 - i) Mr. Dunbar said the property owner is attempting to re-use the property in accordance with the Village Commercial Ordinance whose intent was to adapt and re-use existing properties. There are two challenges: Driveway width and rear parking/impervious coverage. As this may be a precursor to other Village Commercial properties that may be purchased for re-use, the staff wanted to discuss the issues with the Board and determine if the members are amenable to waivers for driveway width and the use of porous paving.
 - ii) Curt English, the applicant's engineer, was present to answer questions. Supervisor Brown suggested that the neighboring property owner, Dr. Venezia, be informed of the project as a courtesy.
 - j) Discussion on solar energy proposal:
 - i) Mr. Dunbar noted that utility rate caps will be lifted in January of 2011 and there are estimates that rate increases could be 10 to 15 percent to as high as 35 percent. The Board will be asked to authorize the staff to obtain a proposal for an alternate energy feasibility study, particularly solar, from the Township's environmental/landscape engineer, CMX. There would be no cost to the Township to obtain the proposal.
 - k) Board Discussion – Township Trash Collection
 - i) Mr. Dunbar explained that the current contract expires in 2010 and that this is the time when the bid specifications are prepared. Staff needs the Board of Supervisors' input and guidance with regard to the next bid, assuming the Board decides to bid, he said..
 - ii) Supervisor Brown said that it is time for the Township to get out of the trash business. He said he has had a lot of conversations with residents over the years and many feel that they way they are being charged for trash collection is unfair with regard to the amount of trash the put out.

Residents who put out very little and those who put out large amounts are paying the same price. He said the Township can regulate the time, place and manner of pickup with private haulers and residents can negotiate their own best deal. It's a major burden on staff to deal with the calls, he said.

- iii) Supervisor Dininny said he believes that the boilerplate that goes out in the bid process can address the problems we have in the Township. He is concerned about multiple trash trucks tearing up Township roads and having to govern, and deal with complaints, about multiple companies. He believes the Township can look at a two-tiered system for one- or two- day pickup and the management of the schedule can be put back to the contractor in the bid. He said another issue that has to be addressed involves residents who go away for long periods of time - there should be an option for stopping service. He said he believes the problems can be addressed with a bid packet that adequately meets Township needs. With one hauler, he said, you know where the problems are. It's not prudent to damage Township roads, possibly burdening taxpayers for their repair, he said.
- iv) Supervisor Altieri said she has spent a significant amount of time on this subject. She has heard negatives and a lot of positives. As a resident, she is happy with her service. She believes there are holes in the current contract, such as no exoneration for vacations. Her first preference would be for a Township contract for many of the reasons cited by Supervisor Dininny. She, also, is concerned about the damage to Township roads. She said all issues must be addressed in the contract, including apartments and the per-bag system. The bid should be strict and if contractors cannot meet it, then the Township should go to subscription.
- v) Supervisor Sassu said he agrees with Supervisor Brown that the Township should get out of the trash business. He said he doesn't generate much trash and there are many in the same situation who find it's tough to pay a big trash bill. He said he understands that a lot of residents are happy with the service, but unfortunately the trash contract doesn't accommodate many other residents. If the Township does bid, he'd like to consider an opt-out option and a two-tiered system with a savings for once-a-week pickup. He said he'd like to use the mass notification system to poll the residents. Mr. Dunbar said the system can be used, but it would be a limited survey.
- l) Board Discussion – Restrooms for multi-purpose field and bocce complex
 - i) Mr. Dunbar said that the Municipal Authority had approved transferring \$30,000 to the Township to assist the Township and the Wolverines with construction of a comfort station to serve the new multi-purpose field at the Eagleville Park complex.
 - ii) Mr. Dininny said that he sits on the Municipal Authority. The comfort station would solve a problem, providing restrooms for the bocce courts, used primarily by adults, and the multi-purpose field. He said he believes it's a great way for the Municipal Authority to help out a large share of the community and it will be a Township facility for a fraction of the cost. Supervisor Altieri said that if the Township could provide the materials, there are those willing to provide sweat equity. She would love to see this part of the field completed.
 - iii) Tom Lehman of the Wolverines said it is their vision to have a first-class facility. The bathroom facility would be for everyone and they would love to partner with the Township. He said the labor would be available, in conjunction with the bocce organization. It was suggested that he attend the next Park Board and Sewer Authority meetings and provide the Township with a plan.
- m) Tree Lighting Event
 - i) Mr. Dunbar wanted to bring to the Board's and community's attention that a holiday tree lighting event is being planned for December 4. The MacFarland family has authorized a portion of the donation they made to the Township to be used for the event and fall fest. The Park Board will give their final recommendation September 8. The event will fold in the former Friday night holiday event held at the firehouse.

8) Other Business:

- i) Mr. Onorato provided an update on the litigation with the county. Lower Providence Township, the Lower Providence Township Sewer Authority and the Lower Perkiomen Valley Regional

Sewer Authority have been sued by Montgomery County. He said the suit involves the proposed expansion of the county prison and payment for sewage capacity. He said the Township believes the county is responsible for paying for its sewage capacity like all other property owners.

9) Courtesy of the Floor:

- a) Margaret Johnston, 316 River Road – The resident spoke about the 262 River Road project. She asked for a definition of a vacated apartment and told the Board that the buildings on the property are in severe disrepair. She expressed concern about how the project would affect her well and asked how residents can view the plan. Mr. Dunbar replied that she should contact the Township office.
- b) Susan LaPenta, 332 River Road – The resident spoke about the 262 River Road project. She said that previously the houses on the property were vacant from October to April. She said the houses have been vacant since 2002 and are in disrepair. She said her concern is the five units going in and were apartments really the intent of the houses.
 - i) Mr. Onorato said it does not have to be the intent when the houses were built, but the use that was made prior to the zoning ordinance coming into affect.
 - ii) Supervisor Brown suggested checking the county property records to see how the property has been assessed.
- c) Judy McCourry, 320 River Road – The resident spoke about the 262 River Road project. She said she has the shared driveway with the property and is concerned about the inlets that need to be cleaned and the condition of the homes. She is also concerned about the number of families using the same driveway and the effect on runoff of clearing trees and brush. She said they have many unanswered questions and requests that the neighbors be included as decisions are made as they affect their property value and quality of life.
- d) Carolyn Yakonick, 347 River Road – The resident spoke about the 262 River Road project. She said her main concern is the wells because she encountered a problem with her well when the Palm Beach development was built. It took years to resolve the issue and she doesn't want to see her well adversely affected.
- e) Kathie Eskie, 540 Highgate Road – Mrs. Eskie thanked Mr. Dunbar for his quick and courteous response to her questions regarding a property on Park Avenue. She took issue with Chairman Sassu's comments in response to her questions at a previous meeting.

10) Adjournment:

- a) **MOTION** – Supervisor Dininny made a motion to adjourn the meeting. Supervisor Brown seconded the motion. The motion *passed* 4-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary