

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 17, 2009 MEETING MINUTES**

1) Executive Session:

- a) Mr. Brown called the executive session to order at 6:31 p.m., seconded by Mr. DiPaolo. The following supervisors were present: Mrs. Altieri, Mr. Brown, Mr. Dininny, Mr. DiPaolo, and Mr. Sassu. Also present were Solicitor Onorato, and Human Resources Coordinator, Geri Golas. A discussion took place on legal and personnel matters. Mrs. Altieri motioned to adjourn the meeting at 7:31 p.m., seconded by Mr. DiPaolo.

2) Public Meeting: Call to Order

- a) Chairman Sassu called the public meeting to order at 7:35 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 John Chambers, Police Chief Francis Carroll, Parks & Recreation Director Karl Lukens, Special Projects & Technology Director William Roth, Accounting Manager Sue Law, and Human Resources Coordinator Geri Golas.

5) Chairman's Comments:

- a) Chairman Sassu announced that an executive session was held prior to the meeting to discuss legal and personnel matters. He noted that this was a business meeting where there would be discussion and voting on agenda items.

6) Consent Agenda:

- a) **MOTION** – Supervisor Dininny made a motion to approve the consent agenda. Supervisor Altieri seconded the motion.
i) Chairman Sassu said that Item C2a in the Consent Agenda would be moved to Item 6, Comments and Other Business.
ii) Supervisor Dininny made a correction to the meeting minutes of August 24, 2009. He said the vote for Item 9a(xxvi)(2) should be 4-0.
iii) Supervisor Brown asked for a clarification regarding an invoice for the Christmas dinner. Ms. Law said that the bill was for last year's Township holiday dinner. She said that the Township was not made aware that the invoice had not been paid until a call was made regarding this year's dinner.
iv) Supervisor DiPaolo noted that his vote included an abstention on the minutes because he was not present at those meetings.
v) **MOTION VOTE** – The motion *passed* 5-0. There was no public comment on this item.

7) Public Hearing:

- a) *Mr. Tim Kurek was present to create a complete and accurate record of testimony for the hearing.*
b) An Ordinance Amending the Zoning Map to Delete the Institutional Overlay from the Collegetown Inn Property, Parcel No. 430011857007, 430011860004, 430011863001, 430011854001, and 430011851004.
i) **MOTION** – Supervisor Altieri made a motion to enter into the public hearing. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
ii) During the course of the hearing, the following exhibits were entered into the record:
(1) Exhibit T-1 – Documents that include a copy of the Ordinance, copies of Proofs of Publication in the Times Herald on September 2, 2009 and September 9, 2009; certification of posting for the five properties on September 9, 2009; a letter to Collegetown Borough

Manager Geoff Thompson notifying him of the hearing; letter to the affected property owners; and a letter from the Montgomery County Planning Commission dated February 21, 2008.

(2) Exhibit A-1 – Letter from Robert Ianozzi Jr. to Joseph C. Dunbar, Township Manager, dated September 17, 2009 regarding the submission of a conditional use application vested under the current ordinance.

iii) Robert Ianozzi, attorney for Joseph Roberts, Colledgeville Inn property, spoke about the conditional use application that had been submitted and requested that the Board defer consideration of the ordinance. Supervisors Dininny, Altieri, DiPaoli, and Brown had questions and comments during his testimony.

iv) The following members of the public had questions or made comments for the record:

(1) Robert Fleming – 629 Meadowlark Road

(2) Jean Regar – 18 Level Road

v) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

8) New Business

a) **MOTION** - Supervisor Brown made a motion to amend the agenda to move Item 5i to the next item, noting that there were families with young children in attendance regarding this item. Supervisor Dininny seconded the motion. The motion *passed* 5-0.

b) Mr. Lukens noted that the Parks & Recreation Board recommended that the Board of Supervisors accept funds from the Municipal Authority and use them to move forward with the building of restrooms at the multi-purpose fields to service the fields, the bocce courts, and Township events.

c) **MOTION** – Supervisor Dininny made a motion to accept the funds from the Municipal Authority and the Park Board’s recommendation to move forward with the project. Supervisor Brown seconded the motion. Chairman Sassu noted that the Sewer Authority has expressed its willingness to assist with the project. Wolverines president Tom Leahan thanked the Board for its help. The motion *passed* 5-0.

9) Ordinances and Resolutions

a) **MOTION** - Supervisor Brown made a motion to resume the regular agenda. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

b) An Ordinance Amending the Zoning Map to Delete the Institutional Overlay from the Colledgeville Inn Property, Parcel No. 430011857007, 430011860004, 430011863001, 430011854001, and 430011851004.

i) **MOTION** – Supervisor Brown made a motion to adopt the ordinance. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

c) A Resolution Approving the 2010 Police and Non-Uniformed Pension Plans Minimum Municipal Obligation.

i) Ms. noted that the Township actuary had calculated the following amounts for the 2010 Minimum Municipal Obligation: \$660,9224.00 total, with state aid of approximately \$312,701.00 leaving the Township responsible for \$348,223.00.

ii) **MOTION** – Supervisor Altieri made a motion to adopt the resolution. Supervisor Dininny seconded the motion.

(1) Supervisor Brown asked what the Township’s obligation was last year. Ms. Law said it was \$281,330.00.

iii) **MOTION VOTE** - The motion *passed* 5-0.

10) New Business Continued:

a) Authorization to advertise meeting dates for 2010 Budget discussion:

i) Ms. Law said she was requesting that the Board authorize the advertising of two meetings to discuss the 2010 Budget on Thursday, Oct. 15 at 6 p.m. and Tuesday, Oct. 20 at 6 p.m.

ii) **MOTION** – Supervisor DiPaolo made a motion to authorize the advertisement of the meeting dates of October 15 and October 20 for 2010 Budget discussions. Supervisor Brown seconded the motion. The motion *passed* 5-0.

- b) Authorization to accept written Conditional Use decision for 3236 Ridge Pike:
- i) Mr. Onorato explained that the Board of Supervisors had held a hearing in August of this year to hear testimony on the Conditional Use application for 3236 Ridge Pike. The Board at that time voted to approve the Conditional Use under and subject to the written decision to be prepared by the Solicitor.
 - ii) **MOTION** – Supervisor Brown made a motion to authorize the approval of the written Conditional Use decision for 3236 Ridge Pike. Supervisor Altieri seconded the motion. The motion *passed* 3-1-1. Supervisor Brown was opposed and Supervisor DiPaolo abstained because he was not in attendance at the Conditional Use hearing.
- c) Application S-09-03 Shrawder Tract for preliminary plan approval:
- i) Mr. Chambers said that the applicant is proposing a 5-lot subdivision in R-2 zoning with access from Featherbed Lane and Skyline Drive. All lots will have public sewer and water.
 - ii) Supervisor Brown noted that the applicant had not asked for waivers of any kind.
 - iii) **MOTION** – Supervisor Brown made a motion to grant final plan approval. Mr. DiPaolo seconded the motion.
 - iv) Supervisor Altieri questioned whether it was preliminary or final approval. Mr. Chambers clarified that it was preliminary plan approval. Mr. Brown and Mr. DiPaolo amended their motions to reflect the clarification.
 - v) Supervisor Dininny asked Christopher Martincic, P.E., representative for the applicant, questions about waivers that remained on the plan. Mr. Martincic said changes had been made and there are items that should be taken off the plan. Mr. Onorato asked if the final plan would comply with Mr. Chambers’ review letter and Mr. Martincic replied that it would. Mr. Dininny said that he does not appreciate reviewing plans that are not correct and requested that Mr. Martincic make sure that the final plan submissions are accurate.
 - vi) **MOTION VOTE** – The motion to grant preliminary plan approval for Application S-09-03 *passed* 5-0.
- d) Application S-09-05 2637 Ashley Circle for Preliminary and Final Plan Approval:
- i) Mr. Chambers said the applicant is proposing a 2-lot subdivision with frontage on Ashley Circle and Jennifer Lane in R-2 zoning. The lots would have public water and sewer and this is a minor subdivision plan.
 - ii) Chairman Sassu noted that the applicant is requesting a waiver from the required 200’ separation of driveways.
 - iii) **MOTION** – Supervisor Brown made a motion to grant the waiver from the required driveway separation. Supervisor Dininny seconded the motion. The motion *passed* 5-0.
 - iv) **MOTION** – Supervisor Altieri made a motion to grant preliminary and final plan approval for S-09-05. Supervisor Brown seconded the motion.
 - (1) Supervisor Dininny noted that in the executive summary the Planning Commission had given the plan preliminary approval and asked if they had given final approval as well. Solicitor Onorato said that the application states “Preliminary/Final” and that Board could move forward with the Commission’s recommendation for approval, whether it be preliminary or final. Mr. Dininny said he does not have a problem with the plan, but has a problem with voting for the plan if it has not received final approval from the Planning Commission.
 - (2) **MOTION VOTE** – The motion *passed* 3-2. Supervisors Dininny and Sassu opposed the motion.
- e) Discussion on 2793 Egypt Road waiver requests:
- i) Mr. Chambers said that although the applicant had not yet submitted an application, he is aware of the need for a waiver regarding driveway width. If the waiver will be granted, he will proceed with the project, but if not he will abandon his plans. Mr. Chambers said that the Emergency Management Coordinator/Fire Marshal has indicated he does not have a problem with the reduced width.

- ii) Solicitor Onorato said the applicant is asking for the “temperature” of the Board and it is not an enforceable waiver. Supervisor Dininny asked if this would be a poll of the Board or a vote. Solicitor Onorato said there was no harm in calling for a vote, but the vote would not be binding.
- iii) **MOTION** – Supervisor Dininny made a motion to support the waiver for 2793 Egypt Road. Supervisor Altieri seconded the motion.
- iv) Supervisor Brown asked if the fire company had an issue with the width. Chief Carroll said the Emergency Management Coordinator/Fire Marshal reviews the plans and seeks input from the Fire Chief as needed. Supervisor Brown asked if the applicant had contacted the neighbor to the rear regarding the possible interconnect, as was recommended at the September 3 work session. Curt English, representing the applicant, said that they were waiting to see if the project was going to move forward. Supervisor Brown said he would abstain because the neighbor had not been contacted.
- v) **MOTION VOTE** - The motion *passed* 4-0-1.
- f) Authorization to solicit Solar Energy Feasibility Study Proposal from CMX:
 - i) Mr. Roth said that the Township has been exploring various energy efficiencies, mindful that the utility rate caps will be lifted in 2011. He requested that the Board authorize staff to solicit a proposal for an alternate energy feasibility study from the Township’s environmental / landscape engineer consultant, CMX. There is no cost the Township to obtain the proposal.
 - ii) **MOTION** – Supervisor Altieri made a motion to authorize the request. Supervisor DiPaolo asked that the motion be amended to include solicit additional proposals from other companies, especially those with solar experience, in addition to CMX. Mr. Roth noted that CMX, which has experience with alternate energy studies, reached out to the Township. Supervisor Altieri amended her motion as requested and Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.
- g) Discussion on Township trash collection bid specifications:
 - i) Mr. Onorato referred to a memo from Township Manager Joe Dunbar to the Board of Supervisors that attempted to summarize the Board’s discussion regarding residential trash collection from the September 3, 2009 meeting. He said the memo was an attempt to keep the conversation going regarding a decision as to whether to continue with a Township-wide trash contract. He said timing is critical as the current contract expires in February 2010. There were several items that the Board wanted included in the bid specifications should the Board decide to go out for bid. Options to consider are:
 - (1) Twice-a-week pickup with single stream recycling, leaf and yard waste pickup and bulk pickup
 - (2) The option for once-a-week pickup, offered with the current single stream recycling, yard waste pickup, and bulk pickup
 - (3) Per-bag pickup that represents a savings, offered with single stream recycling, yard waste pickup, and an option for scheduled bulk pickup at an additional cost
 - (4) Option to suspend service for 3-months in a 12-month period for vacation, medical reasons, etc.
 - (5) Option for vacuum leaf service offered at an additional cost
 - (6) Toters provided
 - ii) Mr. Onorato said some items had yet to be determined including how to address townhomes and the current grandfathered customers. There is concern that the grandfathered list is outdated.
 - iii) Supervisor Brown said that he is opposed to going out for a Township-wide contract. He said residents should be able to contract on their own for the level of service they want. He said he believes some options were not presented in the memo, in particular an opt-out choice. He said he believes that if the Township does go out for bid, an opt-out choice must be included. Mr. Onorato said he was concerned that an opt-out option may affect the response of bidders. Mr. Brown said that he agrees that any bid should be strict and that if the contractors can meet it, then the Township should go to subscription.

- iv) Supervisor DiPaolo said he would like to poll the residents. He said he has not received any feedback in support of the Township-wide contract. Based on the approximately three dozen comments he has received, he said that it is pretty clear that the residents want to pick their own trash service. He said there are individual needs and a one-size-fits all contract doesn't service them. He also said that the per-bag option has to be a savings.
- v) Supervisor Dininny said he has heard overwhelmingly from the residents that they want a two-tiered service (options for once or twice per week pickup) with a substantial price difference. He said he doesn't think it would be hard to manage using different colored totes. He also supported an opt-out choice. He cited the money the Township had spent on resurfacing the roads and said the roads are not built for heavy truck use. He said billing and complaints should be directed to the contractor. He said that if the Township can find a hauler who will provide once and twice a week pickup, and an opt-out option, the Township-wide contract is a viable option. If not, then the answer will be clear. As far as apartments and homeowners associations, he said those with curbside pickup should be part of a Township-wide contract, those with dumpster service should not. Including opt-out, once a week and twice a week service covers the complaints he has heard, he said.
- vi) Supervisor Altieri said she had done a lot of research and has heard both sides of the discussion. She said that about 90 percent of the concerns that had been identified were addressed in the options in the memo. She said that if the Township can't get what it wants with the bid, she would be fine with individual service.
- vii) Chairman Sassu said his comments mirror Supervisor Brown's.
- viii) Nancy McFarland, South Park Avenue – Mrs. McFarland said she had no criticism regarding pickup, but said many people don't need all that pickup. Once-a-week pickup would be a big thing for seniors and she also is in favor of temporary suspension of service for vacations. She asked the Board to consider a shorter contract.
- ix) Colleen Sullivan, 2712 Elysia Lane – Ms. Sullivan lives in Park View at Valley Forge. She says she does not need twice-a-week pickup or yard waste pickup. She suggested having a senior citizen discount in the bid.
- x) Richard Snyder, 1046 Anders Place – Mr. Snyder, of the Eagle Homeowners, thanked the Board for their willingness to discuss the trash contract. He questioned the timing of the bid. Mr. Onorato said he would like to get it out before the end of the year to give the Township time to react. There was discussion of the opt-out choice. Mr. Dininny said that he was referring to taking your trash to your place of business, not opting out of the contract and bringing in another hauler.
- xi) Candy Allebach, 4039 Eagleville Road – Ms. Allebach said she is a grandfathered resident and has Romano trash service. She thinks residents should have a choice.
- xii) Terry Boyle, 2715 Elysia Lane – Ms. Boyle said she has lived where trash service has been included with the taxes and has had private service. She was disappointed when she moved here to have a Township-wide contract. She said that if she has to pay the bill, then she should be able to choose what she wants.
- xiii) Robert Fleming, Meadowlark Road – Mr. Fleming said he owns a duplex in the Eagle Community and is glad to hear the options being discussed.
- xiv) Don Thomas, 19 N. Trooper Road – Mr. Thomas said he was proud of the Board for taking on this difficult process. He believes the competitive free market is the best solution and the best thing would be for the Township to get out of the way. He said that trying to craft a complex bid would create a myriad of unanticipated conflicts.
- xv) Mary Ralston, 15 Sha-Ra Lane – Mrs. Ralston noted that the per-bag service offered by J.P. Mascaro offers no savings to senior citizens.
- h) Agreement authorizing Hough Associates to collect 2009 Residential and Commercial Recycling Data and Prepare PA DEP 904 Recycling Grant:

- i) Mr. Roth requested that the Board authorize Hough Associates to collect recycling data and prepare the grant application. He noted that higher Township residential recycling tonnage allows the Township to count more commercial and therefore the dollar amount of the grant could be larger.
- ii) **MOTION** – Supervisor Brown made a motion to authorize the agreement. Mr. DiPaolo seconded the motion. The motion *passed 5-0*.
- i) Authorization for the Tree Lighting Event:
 - i) Mr. Lukens said the Parks and Recreation Board has recommended that the Board of Supervisors authorize the committee to move forward with planning of a holiday tree lighting ceremony on Dec. 4, 2009.
 - ii) **MOTION** – Supervisor Altieri made a motion to move forward with the event. Supervisor DiPaolo seconded the motion.
 - iii) Supervisor DiPaolo asked if the tree was being planted. Mr. Lukens said that had not yet been determined, but that a tree had been donated.
 - iv) Joyce Cluly, 19 Vaux Lane – Mrs. Cluly said she thought it was a wonderful idea, but asked about the cost for the event. Mr. Lukens said that there would be no cost out of the general fund and donations had been secured.
 - v) **MOTION VOTE** – The motion *passed 5-0*.

11) Comments and Other Business:

- a) Use of outside inspection firm for Codes Department:
 - i) Mrs. Golas said that the Community Development Department has been experiencing flux and she is requesting the use of outside inspectors on an hourly basis as needed until a replacement is hired for the Senior Commercial Inspector, who recently left.
 - (1) **MOTION** – Supervisor Brown made a motion to authorize the use. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- b) Accept written decision prepared by the Solicitor for Conditional Use Application for Audubon Properties Inc. / Egypt and Pinetown Roads. This item was moved from the Consent Agenda.
 - i) Mr. Onorato explained that a series of hearings had been held on the application. The Board of Supervisors approved the Conditional Use in June 18, 2009 and had received an extension from the applicant in order for the Board to vote on the written decision.
 - (1) **MOTION** – Supervisor Dininny made a motion to accept the written decision. Supervisor Altieri seconded the motion. The motion *passed 5-0*.
- c) Use of Mass Notification System for trash poll
 - i) **MOTION** - Supervisor Brown made a motion to use the Township’s Mass Notification System to survey the residents about trash collection. Supervisor DiPaolo seconded the motion.
 - (1) Supervisor Altieri said the system is restricted to yes or no answers and limited in the amount of explanation that could be provided. Chief Carroll noted that there may be limitations on the questions and responses. He said staff would research the system and determine how it can be used for the poll.
 - ii) Supervisor Brown withdrew his motion to wait for the input of staff to see if the survey is feasible.
- d) Set policy for remainder of 2009 Board of Supervisor meetings
 - (1) **MOTION** – Chairman Sassu made a motion to set the policy for the remaining October, November and December Board of Supervisors meetings, making all the meetings business meetings at which the Board would take action. Supervisor seconded the motion. The motion *passed 4-0-1*. Supervisor DiPaolo abstained.
- e) Chaiman Sassu noted that the Blue Knights held their Fallen Officers Run to raise funds for the Montgomery County Police Memorial and families of fallen police officers. He thanked all the police departments for their participation.

12) Courtesy of the Floor:

- a) Ms. Janice Kearney, 565 Deerfield Drive – Ms. Kearney said she was speaking in her capacity as chairman of the Lower Providence Township Zoning Hearing Board. She wanted to comment on the Board of Supervisor’s Consent Agenda vote on August 24, 2009 and was hoping to receive a clarification from Supervisor Brown regarding his vote on an invoice regarding the Zoning Hearing Board.
- b) Mrs. Nancy McFarland, South Park Avenue – Mrs. McFarland commented on the actions at the Zoning Hearing Board meetings.
- c) Harold Baird, 1428 Lincoln Street – Mr. Baird suggested that there be cameras at the Zoning Hearing Board meetings. Mr. Onorato said that cameras may or may not be permitted as the Zoning Hearing Board is a quasi-judicial board.

13) Adjournment:

- a) **MOTION** – Supervisor Dininny made a motion to adjourn the meeting. Supervisor DiPaolo seconded the motion. The motion *passed* 4-0. (Mr. Brown had left the meeting at the start of Ms. Kearney’s comments.) The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary