

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 1, 2009 MEETING MINUTES**

1) Executive Session:

- a) Chairman Sassu called the executive session to order at 6:00 p.m., on a motion by Mr. Brown, seconded by Mrs. Altieri. The following supervisors were present: Mrs. Altieri, Mr. Brown, and Mr. Sassu. Also present were Solicitor Onorato, and Manager Mr. Dunbar. Supervisor DiPaolo arrived at 6:20 p.m. and Supervisor Dininny arrived at 7:20 p.m. A discussion took place on real estate, legal and personnel matters. Mr. DiPaolo motioned to adjourn the meeting at 7:25 p.m., seconded by Mrs. Altieri.

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, Special Projects & Technology Director William Roth, Financial Analyst Nate Dysard, Public Works Director David Shaffer, 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, personnel, and real estate matters. He noted that this was a work/business meeting where there would be discussion and voting on agenda items.

6) Presentations

- a) Presentation to Maureen Nelson on her retirement after 25 years with Lower Providence Township.
- b) Mrs. Nelson started as a clerk-typist with the Township and spent most of her career as executive secretary to the Township Manager. Chairman Sassu and each of the Supervisors commended Mrs. Nelson on her many years of service, recognizing the valuable guidance she provided to residents and staff.
- c) The Supervisors presented Mrs. Nelson with a Township resolution in her honor; a Pennsylvania Senate citation from Senator John Rafferty; a House of Representatives citation from Rep. Mike Vereb; a citation from the Pennsylvania State Association of Township Supervisors; and letters of congratulations from former managers. The Supervisors each gave Mrs. Nelson a bouquet of flowers, each representing 5 years of service. Mr. Dunbar noted that a flag had been flown over the U.S. Capitol on the occasion of her retirement.
- d) During her tenure, Mrs. Nelson worked 21 supervisors and 9 managers, and several of them were on hand to offer their congratulations.

7) Consent Agenda:

- a) **MOTION** – Supervisor Dininny made a motion to approve the consent agenda. Supervisor Altieri seconded the motion. The motion *passed 5-0*.

8) Old Business:

- a) Authorization to Proceed with Trash Bid.
 - i) Mr. Dunbar said that the Board had discussed the trash bid at the September 17 meeting. He said that the Board had laid out scenarios for the bid and staff was ready to prepare the bid. These include:
 - (1) Pickup twice a week with all required recycling pickup, yard waste pickup and bulk pickup
 - (2) Pickup once a week with all required recycling pickup yard waste pickup and bulk pickup
 - (3) Per bag pickup with scheduled bulk pickup.

- ii) Mr. Dunbar said the Board had come up with a workable solution for townhomes wanting some sort of exemption. If roads are not dedicated or to be dedicated than these communities can then opt out. Mr. Onorato said that Supervisor DiPaolo had a good idea to differentiate using private streets.
- iii) Mr. Dunbar said he was unsure where the Board was collectively on an “opt out” provision. There was discussion about temporary suspension of service versus opting out. Mr. Dunbar was concerned that the Township wouldn’t be able to manage what was being done with the trash if there was an opt out provision.
- iv) Mr. Brown said he believed opt out meant you could opt out and go with another hauler. If it doesn’t, he said he can’t support it.
- v) Mr. Dininny said the bid is designed to fit the majority of the people and has been legally bid and awarded since 1990. He said that this is the direction townships are going. He said he supports the suspension of service and the differentiation of the private streets. He also said he is fine with polling the residents, but doesn’t want it to stop the Township from moving forward with the bid. He noted that the bid is not an award and would provide a way to measure the best price and service.
- vi) Mr. DiPaolo said he also thought the opt out provision was to pick your own provider. He said the Township needs at least a half dozen bidders. He said he understands Mr. Dininny’s concern about the negative effect of many trucks on the Township roads, but believes that if residents are able to choose once a week pickup, this would cut down on the impact on roads.
- vii) Mr. Dunbar asked for and received permission to poll the Board.
 - (1) Mr. Dunbar asked if they wanted an opt out choice. He clarified that this is not a suspension, but opting out completely. Mrs. Altieri – no; Mr. Sassu – no; Mr. Dininny – no; Mr. DiPaolo – yes; Mr. Brown – yes.
 - (2) Mr. Dunbar asked if they would like to poll the residents using the mass notification system. Mr. Roth read a message that staff had drafted. Mrs. Altieri – no; Mr. Sassu – yes; Mr. DiPaolo – yes; Mr. Brown – yes; (both Mr. DiPaolo and Mr. Brown asked that only two questions used: do you want township-wide service or do you want to arrange for your own service). Mr. Dininny was concerned that some residents may be confused by the poll.
 - (3) Mr. Dunbar asked if they agreed that undedicated roads would be given the option not to be included. Mrs. Altieri – yes; Mr. Sassu- yes; Mr. Dininny – yes; Mr. DiPaolo – yes, but he would exclude them automatically; Mr. Brown – yes.
 - (4) Mr. Dunbar noted that if the Board authorizes going forward with the bid, it can still conduct the phone poll as it may provide some clarity.
- viii) **MOTION** – Supervisor Dinniny made a motion to proceed with the trash bid. Supervisor Altieri seconded the motion.
- ix) Comments from the public:
 - (1) Al DeGennaro, representing J.P. Mascaro and Sons. Mr. DeGennaro said it’s important to compare level of service, not just pricing. He said DEP and the county planning commission recommend township-wide service for the overall benefit of residents.
 - (2) Colleen Sullivan, 2712 Elysia Lane – Ms. Sullivan presented a petition from all the residents of Park View townhomes in favor of not being included in township-wide service.
 - (3) Mark Malarz, 1082 Bayless Place – He said he supports going out for bid, but suggested that the size of the bond can limit those who can participate in the bid. He said the Eagle homeowners would consider opting in if the level of service was comparable and the price favorable.
 - (4) Joyce Cluley, 19 Vaux Lane – Mrs. Cluly thanked Chief Carroll for looking into using the Emergency Notification System to poll the residents. She said she only needs once a week pickup and thanked the Board for looking into the matter.
- x) **MOTION VOTE** – The *motion passed* 3-2. Mr. DiPaolo and Mr. Brown were opposed.

b) Discussion and Consideration on Turkey Hill Offsite Improvement Credit Request.

- i) Mr. Dysard said that Turkey Hill developer had requested credit for a waiver against the traffic impact fee for intersection improvements.
- ii) **MOTION** – Supervisor Dininny made a motion to authorize the amendment to the approved Turkey Hill Land Development application for the credit. Mr. Brown seconded the motion. The motion *passed* 5-0.
- c) Discussion and Consideration on Application S-09-04 – 262 River Road Subdivision for Preliminary and Final Plan Approval.
 - i) Attorney Mike Clement and Su Creveling, engineer for the applicant, presented the project. Mr. Clement said the subdivision plan included one unit on 4 acres. Ms. Creveling showed photographs of the site to show buffering and trees on the property. The photographs also showed the driveway access and inlets on River Road.
 - ii) Mr. Clement addressed the applicant's waiver requests:
 - (1) Section 123-14.D.(4) – The ordinance requires a planting plan showing the location, species, size and number of all required plant materials. Mr. Clement said the waiver is requested because the site contains significant mature trees and dense vegetation.
 - (2) Section 123-31 – The ordinance requires a minimum cartway width of 30 feet. Mr. Clement said there will be a note on the plan stating that if PennDOT wants to widen River Road the owner will be obligated to, at no cost, give the road widening area to PennDOT.
 - (3) Section 123-32 – The ordinance requires storm sewer and curbing to be constructed along all existing streets. Mr. Clement said there would be a note on the plan that if PennDOT puts sidewalks on the property, whoever owns the front property would be responsible for paying for them at that time.
 - (4) Section 123-33 – The ordinance requires that sidewalks be installed along all public and private streets. Mr. Clement said a similar note would be included for sidewalks.
 - (5) Section 123-36.F – The ordinance requires the width of a multi-family driveway to be 24 feet. Mr. Clement said that a portion of the driveway is proposed to be widened to 20 feet.
 - (6) Section 123-39.I.(3).(b) – The ordinance requires that the access strip to a rear lot be a minimum of 25 feet wide and shall not exceed a vertical grade of 10 percent. Mr. Clement said there would be no change to what is there.
 - (7) Section 123-39.I.(3).(i) – The ordinance requires that rear lot be provided with public water and sanitary sewer. Mr. Clement said the rear lot would have public sanitary sewer but that there is no public water and that it would be an inordinate expense.
 - (8) Section 123-48.C – The ordinance requires fire hydrants be provided by the subdivider and shall be located at accessible points throughout the subdivision when central water is available. Mr. Clement said there is no public water.
 - (9) Section 123-50.B – The ordinance requires each multifamily or nonresidential development be screened. Mr. Clement said there is screening, even between the multi family lot in the front and the one house on the four acres in the rear.
 - (a) Mr. Brown asked if the 4-acre lot would be deed restricted from further subdivision. Mr. Clement said it would.
 - (10) Section 123-52 Shade tree requirement. Mr. Clement said the photographs showed significant existing trees.
 - iii) Mr. Onorato asked if there would be notes on the plan with respect to waivers 2, 3, and 4. Mr. Clement said yes.
 - iv) Mr. Brown referred to the Montgomery County Planning Commission's review letter of August 12, 2009 and asked a Natural Resource Protection Plan that is required by the ordinance had been submitted.
 - (1) Ms. Creveling said that one had not been submitted. Mr. Clement said that existing conditions had been identified and significant trees have been measured. Mr. Dininny asked if the mature trees are being kept. Mr. Clement said they are.
 - (2) Mr. Brown said the submission is incomplete and he is not prepared to vote on it.

- v) Mr. DiPaolo asked if the well had been tested for DCE and TCE given the problems in the area. Ms. Creveling said it is her understanding that the lot is located outside the area that was required to be tested. Mr. Clement said he would strongly suggest that the well be tested.
- vi) Mr. Brown asked what the plans were for the front lot, lot 2. Mr. Clement said the plans are to reconstruct the pre-existing non-conforming use. Mr. Brown asked if the staff had ascertained whether they apartments were a pre-existing, non-conforming use. Mr. Dunbar said that no further data had been found to refute that use. He said the Board of Assessments had been contacted as had been suggested. He said he had received an email from a resident today indicating activity regarding the structures around 1961 which would be post zoning, but had not had an opportunity to investigate further. Mr. Dunbar said the diminimus application for the buildings had been returned to the applicant because it was in sufficient and he considers it closed out. It has not been resubmitted.
- vii) The following residents had concerns/comments about the application:
 - (1) Sue LaPenta, 332 River Road – Mrs. LaPenta said her main concern is the apartment complex and spoke to the history of the property
 - (2) Margaret Johnston, 316 River Road – Mrs. Johnston said the storm drains are a concern and asked about the sewer line connection.
 - (3) Brian Johnston, 316 River Road – Mr. Johnston said he would like to see something in writing that there would be no more building on the property.
 - (4) John Madonni, 333 River Road – Mr. Madonna asked about the mature trees on the lot and asked if there was a stormwater plan.
 - (5) Jordan McCourry, 320 River Road – Mr. McCourry spoke on behalf of his parents. He had questions regarding the shared driveway.
 - (6) Nancy McFarland, South Park Avenue – Mrs. McFarland asked about driveway runoff and the storm water basin.
 - (7) Carolyn Yaconik, 347 River Road – Mrs. Yaconik asked if an NPDES permit is required.
- viii) **MOTION:** Mr. Dininny made a motion to grant the first waiver request for the planting plan. Mrs. Altieri seconded the motion. Mr. Brown indicated that he would abstain from voting on all the waivers because of the incomplete submission. Mr. DiPaolo concurred.
 - (1) Mr. Dininny said that at a prior meeting a resident, Mr. Berry, also had an incomplete application that was voted on. He said he doesn't understand the difference. He said if it's good for one person, it should be good for another. Mr. Brown said that the two situations were not the same.
- ix) **MOTION:** Mr. Dininny amended the motion to grant all waiver requests at once. Mrs. Altieri agreed to the amended motion.
 - (1) Mrs. Altieri asked if the planting plan in waiver number 1 is the same as the Natural Resources Protection Plan. Mr. Dunbar said they are two separate plans. Mrs. Altieri said she walked the property and that the existing buffer for the surrounding areas would be maintained. She said she doesn't know how any more calculations on shrubs and planting could be done than has already been completed.
 - (2) **MOTION VOTE:** The motion *passed* 3-0-2.

9) New Business

- a) Informational: CU—09-02, 2874 Ridge Pike/Conditional Use Public Hearing
 - i) Mr. Dysard noted that there would be a conditional use hearing on the project at the October 15 Board meeting.
- b) Authorization to Waive 2009 and all future Fall Festival Vendor Fees for Non-Profit Groups at the Discretion of Lower Providence Township.
 - i) There was discussion about 501c3 organizations, charitable groups, and community-type groups. Mr. Dininny expressed concern about some groups being included, such as political groups.
 - ii) **MOTION:** Mrs. Altieri made a motion to authorize the waiver. Mr. Brown seconded the motion. The motion *passed* 4-1. Mr. Dininny was opposed.

- c) Authorization to Advertise for 2010 Board/Commission Vacancies.
- d) Authorization to Advertise for 2010 Professional Consultant Proposals.
 - i) Mr. Dunbar suggested that the Items 4c and 4d be voted on together.
 - ii) **MOTION:** Mrs Altieri made a motion to advertise for 2010 Board/Commission Vacancie and for 2010 Professional Consultant proposals. Mr. Brown seconded the motion. The motion *passed 5-0.*
- e) A Resolution Recognizing the Week of October 4-10, 2009 as National Fire Prevention Week.
 - i) **MOTION:** Mr. Dininny made a motion to recognize October 4 –10, 2009 as National Fire Prevention Week. Mr. Brown seconded the motion. The motion *passed 5-0.*

10) Comments and Other Business:

- a) Mrs. Golas explained that there was a pension plan audit finding of an overpayment of state aid. She is requesting the Board’s authorization for Smith Barney to move forward with repaying the overpayment of \$9,481.00.
 - i) **MOTION:** Mr. Brown made a motion to authorize Smith Barney to move forward with the repayment. Mrs. Altieri seconded the motion. The motion *passed 5-0.*
- b) Mr. Dunbar said that the Township had identified a corporate partner in the business park who has agreed to fund solar pedestrian crossing sign. He is requesting authorization to make the application to PennDOT for the sign.
 - i) **MOTION:** Mr. Brown made a motion to proceed with the application. Mr. DiPaolo seconded the motion. The motion *passed 5-0.*
- c) Chairman Sassu reminded everyone that the Township’s annual Fall Fest was planned for October 3 from noon to 4 p.m.
- d) Mr. Brown asked about the time and location for the Holiday Tree Lighting event. Mrs. Altieri said the tree would be placed near the marquee with the lighting festivities to start at 7 p.m. on Dec. 4. Parking would be in the lot near the bocce courts.

11) Courtesy of the Floor:

- a) John Mikowychok, Downingtown – Mr. Mikowychok, a former Township manager, had attended the meeting to offer congratulations to Maureen Nelson. He commented on the River Road application and encouraged the board to look beyond the photographs and noted that some trees may be invasive species.

12) Adjournment

- a) **MOTION:** Mr. Dininny made a motion to adjourn. Mr. Brown seconded the motion. The motion *passed 5-0.* The meeting adjourned at 10:12 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary