

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
FEBRUARY 18, 2016**

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**Executive Session:** The Executive Session was called to order at 6:34 p.m. on a motion by Supervisor Duffy, seconded by Supervisor Zimmerman. Present were Supervisors Mr. Sorgini, Mrs. Eckman, Mr. Duffy, Mr. MacFarland, and Mrs. Zimmerman. Also present were Solicitor Mr. Nelson, Township Manager Mr. Gestrich, and Assistant Township Manager Mrs. Golas. The session adjourned at 7:29 p.m. on a motion Supervisor Eckman, seconded by Supervisor MacFarland.

**Call to Order:** Chairman Sorgini called the meeting to order at 7:30 p.m.

**Pledge of Allegiance**

**Roll Call:**

- a. The following members were in attendance: Chairman Sorgini, Supervisors Duffy, Eckman, MacFarland and Zimmerman.
- b. Also in attendance were: Richard Gestrich, Township Manager; Peter Nelson, Township Solicitor; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Timothy Woodrow, Township Engineer; Geri Golas, Assistant Township Manager; John Primus, Director of Public Works; Casey Moore, Traffic Engineer; Stanley Turtle, Chief of Police; and Denise Walsh, Community Relations Coordinator. Chairman Sorgini announced that prior to the meeting an executive session was held to discuss legal, personnel and real estate matters.

**Consent Agenda**

- 1) **MOTION:** Supervisor Zimmerman made a motion to approve the consent agenda items 1(a), 1(b), 1(c) and 1(d) including moving the meeting minutes of February 4, 2016 into the record. Supervisor Duffy seconded the motion. The motion *passed* 5-0.

**2) Presentations & Commendations**

- A) Promotion of Sgt. Michael Jackson to the rank of Lieutenant with the Lower Providence Township Police Department.
- B) Promotion of Off. Mark Stead to the rank of Sergeant with the Lower Providence Township Police Department.

**3) Public Hearings/New Business**

- A) Consideration of an ordinance enacting a new Chapter 86 to the Lower Providence Township Codified Ordinances entitled *Floodplain Conservation and Damage Preservation* for the purpose of complying with the requirement of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act.
  - i) **MOTION:** Supervisor Zimmerman made a motion to exit the Public Meeting and enter into a Public Hearing. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
  - ii) Solicitor Nelson reviewed the ordinance and FEMA's requirement that Townships within Montgomery County adopt a new floodplain ordinance or improve their current floodplain ordinance. Montgomery County Planning Commission put forth a model ordinance which the Township, with some tweaking, is proposing to adopt. He noted that the Township is required to enact the ordinance prior to March 2 or Township residents will not be eligible to apply for flood plain insurance.
    - (1) Supervisor MacFarland asked if the wording changes suggested by Montgomery County Planning Commission during their review had been incorporated into the ordinance. Solicitor Nelson confirmed that they were.

- (2) Kathy Beyer, Arcola Road, asked if new flood plain lines had been drawn. Solicitor Neslon said that the Montgomery County Planning Commission website had a link to the new flood plain maps which she could check to see if anything had changed. He noted that the maps were first released last fall and became official March 2.
- iii) Mr. Woodrow explained that the current floodplain maps have been around for 50 years but were not particularly accurate in regard to smaller tributaries. He said that thanks to advanced technology more accurate maps have been created. Mr. Woodrow noted that major water sources, such as the Perkiomen, will have very little change. In response to Ms. Beyer, Mr. Nelson said that the ordinance will be on the Township website. Mr. Mrozinski said that it will also be available at the Township Building.
- iv) **MOTION:** Supervisor Zimmerman made a motion to exit the Public Hearing and return to the Public Meeting. Supervisor MacFarland seconded the motion. The motion *passed 5-0*.
- v) **MOTION:** Supervisor Duffy made a motion to approve the ordinance enacting a new Chapter 86 to the Lower Providence Township Codified Ordinances entitled Floodplain Conservation and Damage Preservation for the purpose of complying with the requirement of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act. Supervisor Zimmerman seconded the motion. The motion *passed 5-0*.
- B) Consideration and possible approval of a resolution for LD-15-07 Francesco A. Mascaro Memorial Ball Fields, 2759 Woodland Avenue, preliminary/final land development plan.
- i) Mr. Nelson reviewed the plan noting it had been reviewed by the Lower Providence Planning Commission and the Montgomery County Planning Commission, both of whom recommended approval.
- ii) Supervisor Eckman questioned the need for a post and rail fence around the basin. Mr. Woodrow said that the Township has taken a stance to remove fences from retention basins. However because of the proximity of the basin to the walking trail and public activity the fence made sense. Supervisor Eckman confirmed that it was not a requirement, but rather a decision based on location of the basin.
- iii) Supervisor Eckman made suggestions as to various aspects of Field One to be considered as the project moves forward, including the backstop height. Mr. Jon March, appearing on behalf of the applicant, reviewed the building details of the field and agreed that as construction commences that details such as the dugout, fencing and backstop heights will be reviewed. Supervisor Eckman also confirmed that the Township was going to work on facilitating the continuation of the sidewalk on property not owned by Mascaro or the Township.
- iv) Supervisor MacFarland stated that the investment by the Mascaro family is very generous. He noted that the playground position seemed to be much improved in regard to its proximity to foul balls. Mr. March discussed the bio retention area and its proximity to aspects of the park. Mr. MacFarland asked if there would be a utility shed as there did not appear to be one on the plans. Mr. March said that a shed, approximately the size of a garage, will be in the final plans.
- v) **Public Comment:**
- (1) Sheldon Bradley, Tomstock Road, said this was his first time reviewing the plans and expressed concerns for the safety of the ball players in relation to foul balls hitting spectators. He asked that safety concerns be considered. He also expressed concern about the traffic impact.

- (2) Caitlin Kent, Miami Avenue, expressed concerns about traffic in the area and the lack of a traffic study. Chairman Sorgini explained that part of the process will be to create traffic control and traffic controlling devices. He stated that with this type of development the impact is relatively low as park usage is dependent on the time of game play. Chairman Sorgini said that traffic issues will be looked at in conjunction with the police department. Ms. Kent asked if there was any information on what was being done with the rest of the property. Chairman Sorgini said at this time there was not.

vi) Solicitor Nelson reviewed the ordinance and the requested waivers:

(1) **MOTION:** Supervisor Duffy made a motion to grant waivers to the following:

- (a) SALDO Section 123-31.E modifying the requirement that Woodland Avenue have a minimum cartway of 30 feet and permitting a 24 foot cartway along Woodland Avenue.
- (b) SALDO Section 123-37.C to waive the requirement that planted and curbed landscape islands be installed every 18 spaces.
- (c) SALDO Section 123-33 to reduce the requirement of providing sidewalks along the entire frontage of Woodland Avenue.
- (d) SALDO Section 123-40 to waive any required recreation fees in consideration of the proposed construction of the field facility.

Supervisor Zimmerman seconded the motion.

- (i) Supervisor Eckman asked for clarification for Waiver C. Mr. Woodrow said that the planned trail would take the place of the sidewalk. Solicitor Nelson said that waiver is not to the walking path but that the location and type of path do not meet SALDO requirements. Supervisor Duffy reviewed the location of the walking path.
- (ii) Michelle Petco, Miami Avenue, expressed concern that there would be no sidewalk. Mr. Woodrow reviewed the plan with Ms. Petco and explained how the walking path would be installed in lieu of sidewalks and would actually be wider and more accommodating. Ms. Petco asked for clarification of buffers for sound and landscaping. Supervisor Duffy said that the landscaping plan would show where every tree and bush would be located. He said that the parking lot would be 12 feet behind the landscape buffer so lights will not be seen by residents and while there will be lights on the field, the field is in the middle of the property so there will be little to no spillover. Chairman Sorgini said all lights will be tested when installed to make sure they comply with regulations.

The motion *passed 5-0*.

(2) **MOTION:** Supervisor Zimmerman made a motion to grant waivers to the following:

- (a) The requirement of a Traffic Impact Assessment based upon the recommendation of the lower Providence Township Planning Commission.
- (b) The requirement to stripe the gravel parking lot.
- (c) The requirement to contribute to Traffic Impact Fees as recommended by the Lower Providence Township Planning Commission.

Supervisor Duffy seconded the motion.

- (i) Supervisor MacFarland asked for clarification as to the waiving of traffic-based fees. Mr. Moore noted that Traffic Impact Assessment is based on trip generation in the afternoon peak hour. He noted that there are methods to calculate those trips without having to do a full-blown traffic study. Supervisor MacFarland asked what steps will

be taken as to traffic assessment prior to the field's completion. Mr. Casey said that based on the recommendation of the Planning Commission there will be nothing done in advance. Potentially after the facility is open and functional, traffic calming can be implemented if warranted. He noted the use of the park will not conflict with people going to and from school or work since most use will be on the weekends which should have less of an impact on traffic.

The motion *passed* 5-0.

vii) **MOTION:** Supervisor Duffy made a motion to approve a resolution for LD-15-07 Francesco A. Mascaro Memorial Ball Fields, 2759 Woodland Avenue, preliminary/final land development plan. Supervisor Zimmerman seconded the motion.

- (a) Supervisor Duffy thanked the Mascaro family for providing a first class park at their expense and on their land.
- (b) Supervisor Eckman told residents that as project goes on and is being developed to please feel free to contact the Township if problems or issues arise.
- (c) Mr. March, in response to a resident's question said the majority of construction would be done in 2016 with most of the fields playable by 2017 and possibly some playable in fall 2016.

The motion *passed* 5-0.

viii) Chairman Sorgini, on behalf of the citizens of Lower Providence Township, expressed gratitude to the Mascaro family and said he looks forward to many years of the Township's young people playing on the ball fields.

C) Consideration and possible authorization to advertise a zoning ordinance amendment concerning free-standing solar energy systems.

- i) Mr. Mrozinski reviewed the ordinance. He stated that he had consulted with the Delaware Valley Mutual Planning Commission and the Montgomery County Planning Commission in regards to amending the ordinance. Mr. Mrozinski said that the ordinance would prohibit ground-mounted solar energy systems in the front yard of properties and set standards for setbacks in rear properties based on the size of the array. Chairman Sorgini stated this amendment was the result of a subcommittee where planners and staff worked together to clean up this, and other, Township ordinances.
- ii) **MOTION:** Supervisor Eckman made a motion to authorize the advertisement of a zoning ordinance amendment concerning free-standing solar energy systems. Supervisor MacFarland seconded the motion. The motion *passed* 5-0.

D) Consideration and possible authorization to advertise a zoning ordinance amendment concerning back-up generators.

- i) Mr. Mrozinski reviewed the ordinance, stating that this also came out of the subcommittee reviewing Township ordinances. He noted that there were no regulations concerning back-up generators and residents were currently required to come before the Zoning Hearing Board to ask for a variance in order to have them installed. With improvements in technology in regard to size and aesthetics, as well as the cost for residents to request a variance, the subcommittee felt an amendment was in order. The subcommittee felt a compromise to approve these items by right as opposed to coming before Zoning was a better solution.
- ii) **MOTION:** Supervisor Zimmerman made a motion to authorize the advertisement of a zoning ordinance amendment concerning back-up generators. Supervisor Duffy seconded the motion. The motion *passed* 5-0.

- E) Consideration of a waiver request pursuant to Chapter 81 to permit the existing installation of a six-foot high solid-style fence in the front yard of a corner property at 2009 Janet Lane.
- i) Mr. Mrozinski reviewed the request. He noted that even though the fence is on the side yard, the side yard has road frontage.
  - ii) Chairman Sorgini asked the applicant if he had spoken with the neighbors and if they had any objections. The applicant stated he had and there had been no objections to the fence.
  - iii) **MOTION:** Supervisor Duffy made a motion to grant a waiver request pursuant to Chapter 81 to permit the existing installation of a six-foot high solid-style fence in the front yard of a corner property at 2009 Janet Lane. Supervisor MacFarland seconded the motion. The motion *passed* 5-0.
- F) Consideration of a waiver request pursuant to Chapter 81 to permit the existing installation of a solid-style fence with structural members facing neighbors and at a height greater than five feet in a front yard at 2815 Leon Avenue.
- i) Mr. Mrozinski reviewed the request, stating this fence was installed without a permit and without following Chapter 81 regulations. He explained the history of the non-compliance and the Township's recourse.
  - ii) Chairman Sorgini asked if any neighbors had complained about the fence. Mr. Mrozinski said they had not and that the Township had discovered the non-compliance. Solicitor Duffy asked if a permit had been requested. Mr. Mrozinski said that a permit had only been requested after the installation and it could not be approved, as it did not meet the Township's standards.
  - iii) Supervisor MacFarland asked the applicant, Mr. Hadjar, for comments. Mr. Hadjar said that he had replaced an old fence was not aware permission was needed for the construction. Supervisor Duffy asked if there had been any complaints that the fence was installed backwards. Mr. Hadjar said that there had been no complaints.
  - iv) Supervisor Eckman asked how far the fence extends into the front yard. Mr. Mrozinski said that on one side of the property it extends 20-25 feet but because of the situation of the house on the property it is more of a technical violation than an actual violation. In response to Supervisor Duffy he said that there were no sight line issues.
  - v) **MOTION:** Supervisor Zimmerman made a motion to approve the waiver request pursuant to Chapter 81 to permit the existing installation of a solid-style fence with structural members facing neighbors and at a height greater than five feet in a front yard at 2815 Leon Avenue. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
- G) Consideration of written conditional use decision for John P. Pumo Jr., 3919 Beth Drive.
- i) Solicitor Nelson said that this issue was presented to the Board at the January 21, 2016 Board of Supervisors' meeting. He said that one of the conditions for approval was that the property owner enter into a written agreement that would limit the use of the apartment to family members, can only be used by family members and cannot be used as a leasehold.
  - ii) **MOTION:** Supervisor MacFarland made a motion to approve the written conditional use decision for John P. Pumo Jr., 3919 Beth Drive. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.
- H) Consideration of an ordinance authorizing the issuance of non-electoral debt not to exceed \$599,350.00 from the Pennsylvania Infrastructure Bank to provide funds for road construction and road improvements.
- i) Ms. Golas reviewed the ordinance, noting that the application was approved by the Pennsylvania Infrastructure Bank at a rate of 1.625%.

- ii) **MOTION:** Supervisor Eckman made a motion to exit the Public Meeting and enter into A Public Hearing. Supervisor Duffy seconded the motion. The motion *passed 5-0*.
- iii) Solicitor Nelson stated that the ordinance was required under state law to allow the Township to borrow non-electoral debt money. He noted that the ordinance has been advertised.
  - (1) Chairman Sorgini asked Mr. Gestrich if the funds were accounted for in the budget. Mr. Gestrich said they were.
  - (2) Supervisor MacFarland asked if the 1.625% rate was variable or fixed. Mr. Gestrich said it was a fixed rate.
  - (3) Supervisor Duffy asked Mr. Primus to review roads earmarked for repair. Mr. Primus said that Coldsprings Drive, South Grange Avenue, Jennifer Lane, Woodlyn Avenue and Fenwick Circle would be improved.
  - (4) Supervisor MacFarland asked how many total miles of roadway would be improved. Mr. Primus said he did not have that figure but would get it to Supervisor MacFarland. Supervisor MacFarland also requested he report on how many miles of road the Township typically needs to repave every year to keep the roads in reasonable condition.
- iv) **MOTION:** Supervisor MacFarland made a motion to exit the Public Hearing and re-enter the Public Meeting. Supervisor Zimmerman seconded the motion. The motion *passed 5-0*.
- v) **MOTION:** Supervisor Zimmerman made a motion to approve the ordinance authorizing the issuance of non-electoral debt not to exceed \$599,350.00 from the Pennsylvania Infrastructure Bank to provide funds for road construction and road improvements. Supervisor Eckman seconded the motion. The motion *passed 5-0*.
- vi) **MOTION:** Supervisor Duffy made a motion to approve the resolution as outlined by Solicitor Nelson which authorizes the signing of the loan agreement. Supervisor Zimmerman seconded the motion. The motion *passed 5-0*.

#### 4) Announcements

- A) Planning Commission meeting will be held February 24 at 7 p.m.
- B) Zoning Hearing Board meeting will be held February 25 at 7 p.m.
- C) The Township's annual Easter Egg Hunt will be held Saturday, March 12 in Eagleville Park for children ages 2 through 8. Times for each age group and additional information can be found online at [www.lowerprovidence.org](http://www.lowerprovidence.org).

#### 5) Comments and other Business

- A) Supervisor Duffy announced that the 16<sup>th</sup> annual wine tasting fundraiser for the Lower Providence Township Library will be held Saturday March 19. Tickets are \$50 in advance and \$55 at the door. All proceeds benefit the library and support their programs.
- B) Supervisor Eckman said the Business Development Committee met on February 8. She reported that the committee continues to discuss available properties in the Township. She noted there have been some successes with two new businesses opening in the past month. Eckman said they have some good leads for other properties including Norristown Ford and The Collegeville Inn. She thanked the staff for all of their hard work and effort in working toward bringing new business into the Township.

#### 6) Courtesy of the Floor

- A) Clint Allen, of Archer and Greiner, on behalf of the Sunnyside Mobile Home Park, gave an update on its ongoing environmental issues. He conceded that there have been problems in the past both with communication and compliance but reported that progress has been made and that meetings have been held with the Township manager, the Township Solicitor and the general counsel for Sunnyside. Mr. Allen reported that they are in the process of installing new water

infrastructure in community as well as new fire hydrants, and certified water manager has been brought in to oversee the project. He said that EPA mandated testing is being done in response to residents water quality concerns. Mr. Allen reported that they will be removing dilapidated houses and demolishing them off-site and six new homes will be installed. He said that the previous site manager was not doing the job properly and has been replaced. Mr. Allen said the property is about 1.5 years from being completely turned around and that they are considering other property improvements such as a playground. He explained the hierarchy structure for the company and how communication will play out in the future. Mr. Allen said that they will be back to give updates and propose solutions.

- i) Supervisor Duffy said that he has been on site several times and feels that problem is communication as well as water issues. He stated that residents knowing that improvements are in the pipeline will go a long way to bringing peace of mind.
- B) Mike Comroe, Pinetown Road, praised the Public Works Department and the road crew for their excellent snow removal after the recent storm.
- C) **MOTION:** Supervisor Zimmerman made a motion to adjourn the meeting. Supervisor Duffy seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9 p.m.

Next Business Meeting: March 3, 2016  
March 17, 2016