

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
MARCH 17, 2016**

Call to Order: Chairman Sorgini called the meeting to order at 7:35 p.m.

Pledge of Allegiance

Roll Call:

- a. The following members were in attendance: Chairman Jason Sorgini, Supervisors Patrick Duffy, Colleen Eckman and Peter MacFarland. Supervisor Jill Zimmerman was absent.
- 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; John Primus, Director of Public Works; and Stanley Turtle, Chief of Police.

Chairman Sorgini announced that prior to the meeting an executive session was held to discuss legal, personnel and real estate matters.

1) Consent Agenda

- A) **MOTION:** Supervisor Duffy made a motion to approve the consent agenda items 1(a), 1(b), 1(c) and 1(d) including moving the meeting minutes of March 3, 2016 into the record. Supervisor Eckman seconded the motion. The motion *passed* 4-0.

2) Presentations

- A) Swearing in ceremony for Eric S Honick as an officer with the Lower Providence Township Police Department.

3) New Business

- A) Consideration of Conditional Use approval for LD-13-05, Audubon Square V.
 - i) Bernadette Kearney, Esq. and Brad Macy appeared on behalf of Audubon Land Development.
 - ii) Mr. Nelson reviewed the conditional use application and read through the proposed order to be voted upon.
 - iii) Mr. Nelson reviewed the stipulations to approval of the Conditional Use. The applicant was agreeable to all stipulations with the exception of Condition (4), stipulating the applicant has five years to construct or secure financial security for the Norris Hall Road extension. Mr. Macy felt there could be an issue with the timing of that condition.
 - iv) Ms. Kearney requested a short recess to consult with her client as to the contested stipulation.
- B) Consideration of a request from the John James Audubon Center at Mill Grove for waiver of land development fees for renovation project.
 - i) Mr. Mrozinski reviewed the proposed projects which include renovation of historic buildings and creating a new visitor center
 - ii) Supervisor Duffy asked for clarification as to what the land development fees cover. He expressed concern that fees would be waived that the Township would then be required to incur at a later date. Mr. Mrozinski said that the waiver would only cover application fees and that all consultant and inspections fees are not covered in the waiver and would still be applicable.
 - iii) Supervisor Eckman felt that the letter requesting the waiver did not contain precise language as to what would be covered by the waiver.
 - iv) Supervisor MacFarland asked for clarification as to what exactly would be voted on by the Board. Mr. Nelson said that since the letter was unclear he would recommend that the Board

specifically state in the motion what is being waived. The applicant could come back at a later date and request further waivers if so desired.

- v) Supervisor Duffy asked if the applicant has yet filed any plans. Mr. Mrozinski said they had not and that they are only in Phase 1 of land development. Supervisor Duffy again said it is unclear what the applicant is seeking and felt the request is premature since no plans have been filed.
 - vi) Solicitor Nelson said that normal procedure is to file an application and a waiver request is made with that filing so the Township has an idea of what they are seeking to waive. He suggested Mr. Mrozinski advise the applicant to file a land development application with a request for fee waiver. Supervisor Duffy agreed and suggested the Township notify the applicant that they are willing to work with them and ask specifically what fees are they asking to be waived.
- C) Authorization to prepare and advertise an ordinance amending the Township Zoning Map to rezone a portion of a parcel, #43-00-12109-007, from the Ridge Pike business (RPB) to Professional and Business Office (PBO)
- i) Bernadette Kearney, Esq. appeared on behalf of the applicant.
 - ii) Mr. Mrozinski reviewed the ordinance amendment.
 - iii) **MOTION:** Supervisor Duffy made a motion to authorize the preparation and advertisement of an ordinance amending the Township Zoning Map to rezone a portion of a parcel, #43-00-12109-007, from the Ridge Pike business (RPB) to Professional and Business Office (PBO). Supervisor MacFarland seconded the motion. The motions *passed 4-0*.
- D) Consideration of award of bid for Lower Providence Community Library renovation project.
- i) Lynn Burkholder, Library Director, reported that the Library Board opened the bids on March 16. She discussed how the bids were evaluated. Ms. Burkholder asked for the Board's approval to award the contracts to the lowest bidders at the next Library Board meeting.
 - ii) Chairman Sorgini asked for Mr. Gestrich's opinion on the bids received. Mr. Gestrich said that he had discussed the bids with Joe Clement of the Library Board and that Mr. Nelson has reviewed the bids and feels everything is in order. Discussion was held as to process of awarding the bids and whether it is the responsibility of the Library Board or the Township Board of Supervisors.
 - iii) Solicitor Nelson stated that if the contract is between the Library and the bidders, then Board of Supervisors will recommend awarding but the Library will actually grant the award. Chairman Sorgini clarified how the decision making structure would occur based on the Library's relationship with the Township.
 - iv) Supervisor MacFarland questioned why the Board of Supervisors would vote if they have no authorization to approve the bids. Solicitor Nelson explained the relationship between the Library and the Township and how the Township's financial support impacts the relationship. Ms. Burkholder noted that the township still has ownership of the Library building. Solicitor Nelson said that because, ultimately, the library is using public funds the Board is under an obligation to make sure they are distributed responsibly. Discussion was held as to who is responsible for approval.
 - v) Supervisor Eckman asked if Solicitor Nelson had reviewed the bid documents. He stated that he had reviewed the documents in the file and the ones that were sent to him earlier in the day. He said that he has no concerns and everything looks in order. He recommended that the lowest bids be awarded.

- vi) **MOTION:** Supervisor MacFarland made a motion to approve the lowest bids as identified by the Library Director contingent upon subsequent approval by the Library Board of Directors. Supervisor Duffy seconded the motion. The motion *passed* 4-0.
- vii) Ms. Burkholder discussed the upcoming March 19 wine tasting fundraising event.
- E) Consideration of Conditional Use approval for LD-13-05, Audubon Square V.
 - i) The applicant returned from recess and requested that the time frame on the contested stipulation be changed from five years to eight years. Mr. Macy said this would allow the applicant time to find a tenant for the parcel, stating that they don't want to make any premature improvements that may cause issues later in the project.
 - ii) Supervisor Eckman asked about the time frame for establishing financial agreements for Audubon V. Mr. Macy said it could be in 30 days. Mr. Woodrow cautioned that this approval was only for conditional use and the project would still need land development. Mr. Macy said they have already been before the Planning Commission and hope to come before Board next month for Land Development approval. He reviewed the other applications in process for the project.
 - iii) Chairman Sorgini stated that this development has been going on for a long time and the Township is looking toward finite dates on the more ambiguous phases. He said that as this stipulation is laid out it would give the Township a more definite timeline.
 - iv) Supervisor Duffy asked if a tenant were found sooner, would the phase be built sooner. Mr. Macy said that it would.
 - v) Supervisor MacFarland asked about the roadway portion of the expansion and asked if there is there any concern about traffic in the public road areas that would be affected by this development. Mr. Woodrow said that traffic and congestion has been one of Traffic Engineer Casey Moore's major issues with the project going forward. He noted that part of the delay in moving forward in Audubon V has been working toward making improvements for congestion and the plan as being proposed does address some of those issues. Discussion was held as to traffic issues involved in the project.
 - vi) **MOTION:** Supervisor Duffy made a motion to approve conditional use approval for LD-13-05, Audubon Square V, contingent upon stipulations as read by Mr. Nelson and changing Condition 4 to eight years instead of five and adding the language "or a mutually agreed upon alternative". Supervisor MacFarland seconded the motion.
 - (1) Dan Duella, Catfish Lane, expressed concerns regarding parking for the new tavern and some sort of agreement between the developer and tavern owner.

The motion *passed* 4-0.

4) Announcements

- A) The Library Board will meet on March 21 at 7:00 p.m.
- B) The Planning Commission will meet on March 23 at 7:30 p.m.
- C) The Zoning Hearing Board will meet on March 24 at 7:30 p.m.
- D) The Lower providence Community Library's wine tasting fundraiser will be held March 9. Tickets are available online at www.lowerprovidencelibrary.org.

5) Comments and other Business

- A) Supervisor Duffy commended Chief Turtle, Detective Kennedy and the officers involved in apprehending burglars who have been terrorizing residents. Chief Turtle said that there have been several burglaries in the area but arrests have been made and they are under the assumption that everyone involved is in custody. Since the investigation is ongoing no additional information

can be released but he stated this was a cooperative, multi-jurisdictional operation with law enforcement officials from the county and other townships.

6) Courtesy of the Floor

A) Robert Toporek of Team Children discussed his volunteer organization, which collects, repairs and refurbishes computers for families in need. He stated the organization is 98% run by volunteers and invited the Board of Supervisors to visit their headquarters. Mr. Toporek said that each computer distributed is pre-loaded with early learning software and asked for the Township's support in encouraging local businesses to donate their old computers to Team Children. He said that the volunteers learn job skills as well as give back to the community.

7) Adjournment

A) **MOTION:** Supervisor Duffy made a motion to adjourn the meeting. Supervisor MacFarland seconded the motion. The motion *passed* 4-0.

Next Business Meeting: April 7, 2016
April 21, 2016