

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
JUNE 2, 2016**

Executive Session: The Executive Session was called to order at 6:30 p.m. on a motion by Supervisor MacFarland, seconded by Supervisor Duffy. Present were Supervisors Mr. Sorgini, Mr. Duffy, Mr. MacFarland and Mrs. Zimmerman. Also present were Solicitor Mr. Rice, Interim Township Manager Mrs. Rudolf and Assistant Township Manager Geri Golas. The session adjourned at 7:29 p.m. on a motion by Supervisors Zimmerman, seconded by Supervisor MacFarland.

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 Sorgini, Supervisors Duffy and Zimmerman. Supervisor Eckman was absent.
- b. Also in attendance were: John Rice, Township Solicitor; Alison Rudolph, Interim Township Manager; 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; 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 Zimmerman made a motion to approve the consent agenda items 1(a) and 1(b) including moving the meeting minutes of May 19, 2016 into the record. Supervisor Duffy seconded the motion. The motion *passed* 4-0.

2) New Business

- A) Consideration of S-16-03/3837 Landis Mill, preliminary/final subdivision plan to create two lots.
 - i) Mr. Mrozinski reviewed the plan, noting that the Lower Providence Township Planning Commission recommended approval.
 - ii) Su Creveling, from HTC, explained the nature of the subdivision. She stated that they feel they have satisfied all of the concerns presented to them.
 - iii) Mr. Woodrow reviewed the waiver requests, stating that he recommended granting both waiver requests.
 - iv) Solicitor Rice asked if there were any issues with any of the three review letters. Ms. Creveling said they would like to work out one minor issue with Thomas Comitta Associates and the Township Engineer. Solicitor Rice asked for any issues to be worked out prior to the preparation of the Resolution, which will be brought before the Board at the next meeting. Ms. Creveling agreed.
- B) Consideration of a waiver request for land development for Tosco Restaurant, 2819 Ridge Pike, to permit for construction of parking area to allow for seasonal sales.
 - i) Mr. Mrozinski reviewed the request, stating that the property owner has an adjoining vacant property where he would like to put in parking and requisite drainage so it can be used for the temporary sale of flowers twice a year as well as possible Christmas tree sales. He said this would allow the property owner to maximize the use of the property. Mr. Mrozinski said it is the staff's opinion that this project could forego land development.

- ii) Supervisor Duffy said this item came before the staff/solicitor meeting in August where the applicant was told if he wished to proceed he should request the waiver.
 - iii) Supervisor MacFarland asked if sidewalk issues had been addressed. Mr. Mrozinski said they had and according to his knowledge they are satisfactory.
 - iv) Solicitor Rice clarified that the property is currently grass. Mr. Woodrow said a grading permit, with conditions, would need to be issued in order to comply with storm water regulations. Mr. Woodrow feels the improvements are appropriate for a temporary use. Solicitor Rice expressed concern that a temporary use would become more permanent. He recommended stipulations attached to the waiver to ensure it would not become a permanent business. Mr. Mrozinski said that the applicant only mentioned using the property three times per year but that they could require a zoning permit for each event, which would give the Township oversight.
 - v) Supervisor MacFarland asked if they could stipulate how many days each event could operate. Mr. Mrozinski said that there are provisions in the ordinance for tents on properties if the Board wished to use that as a stipulation. Discussion was held as to how long each sale should last. Solicitor Rice suggested this stipulation be dictated by the zoning permit.
 - vi) **MOTION:** Supervisor Zimmerman made a motion to grant the waiver request for land development for Tosco Restaurant, 2819 Ridge Pike, to permit for construction of parking area to allow for seasonal sales conditioned upon the applicant acquiring a grading permit, compliance with storm water requirement and limiting the time period of sales to Easter, Mother's Day and Christmas, conditioned upon the acquisition of a zoning permit for each of those holidays. Supervisor MacFarland seconded the motion. The motion *passed* 4-0.
- C) Consideration of a waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 3101 Sky Drive.
- i) Mr. Mrozinski reviewed the waiver request. He explained that since this is a corner property a waiver would be required for installation.
 - ii) Mr. Bugda reviewed the fencing that is currently in place as well as the proposed fencing.
 - iii) Chairman Sorgini asked if any site lines would be affected by the installation of the fence. Mr. Mrozinski said no site lines would be affected due to its location on the property. Mr. Bugda also said that there were no issues with neighbors and displayed an image where the existing fence was located and where the new fence would be built.
 - iv) **MOTION:** Supervisor Duffy made a motion to approve a waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 3101 Sky Drive. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.
- D) Consideration of a waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 360 Jamestown Circle.
- i) Mr. Mrozinski reviewed the waiver request.
 - ii) The applicant explained the fence would provide uniformity as well as provide safety for his dog and child.
 - iii) Chairman Sorgini asked if there were any issues with the neighbors. The applicants said there were not and that the fence would be a standard six-foot vinyl fence.
 - iv) **MOTION:** Supervisor Duffy made a motion to approve a waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 360 Jamestown Circle. Supervisor MacFarland seconded the motion. The motion *passed* 4-0.
- E) Consideration of a resolution approving subdivision S-16-01, 3864/3868 Germantown Pike.

- i) Solicitor Rice reviewed the resolution for the lot line change. He said that three waivers were requested:
 - (1) SALDO Section 123-31 as to road widening
 - (2) SALDO Section 123-32 as to curbing and storm sewer along Germantown Pike.
 - (3) SALDO Section 123-33 as to sidewalks along Germantown Pike.
 - ii) Solicitor Rice said that the applicant was responsible for preparing the appropriate legal descriptions for the new deeds, as well as recording the plan and the new deeds.
 - iii) Chairman Sorgini confirmed with Mr. Woodrow that there were no issues with granting the three requested waivers. Mr. Woodrow said he had no concerns with regard to the waiver request.
 - iv) **MOTION:** Supervisor Duffy made a motion to grant a resolution approving subdivision S-16-01, 3864/3868 Germantown Pike. Supervisor MacFarland seconded the motion. The motion *passed* 4-0.
- F) Authorization to participate with the Montgomery County Consortium of Communities to negotiate the Verizon Franchise Agreement renewal.
- i) Ms. Rudolph explained the time frame for renewing the franchising agreement and the benefits of participating with the Montgomery County Consortium of Communities. She described the negotiation process and recommended participation. Ms. Rudolph said that the fee is on a sliding scale based on how many communities participate and estimated that the cost for participation for Lower Providence Township would be \$8,075 paid in three equal parts over a three-year period.
 - ii) **MOTION:** Supervisor MacFarland made a motion to approve the authorization to participate with the Montgomery County Consortium of Communities to negotiate the Verizon Franchise Agreement renewal. Supervisor Duffy seconded the motion. The motion *passed* 4-0.
- G) Request from the Lower Providence Township Fire Company for waiver of temporary sign permit fee and approval of extension of operating hours.
- i) Chief Stanley Turtle reviewed the waiver request. He reported that they granted the waiver for extended hours last year and there were no issues and, as a result, had no opposition to granting this request.
 - ii) **MOTION:** Supervisor Zimmerman made a motion to approve the request from the Lower Providence Township Fire Company for waiver of temporary sign permit fee and approval of extension of operating hours. Supervisor MacFarland. The motion *passed* 4-0.
- H) Authorization to proceed with auditorium technology upgrades.
- i) Mr. Roth reviewed the Auditorium and Boardroom upgrades requested. He noted that this is a budgeted project that was planned for this year. Mr. Roth said the costs are over budget by \$660 but he believes there will be savings in other capital projects such as phone and voicemail upgrades which will bring the entire project under budget. He confirmed that equipment will be purchased through the COSTARS program.
 - ii) Supervisor MacFarland asked if any specs were changed since the projected upgrade number is higher than originally reported. Mr. Roth said the original number was an estimate and the spec did change to allow for additional wiring which will allow a direct connection as well as a wireless connection.
 - iii) **MOTION:** Supervisor MacFarland made a motion to authorize to proceeding with auditorium technology upgrades. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.

- I) Authorization for Solicitor to research ownership of Township open space parcel.
- i) Solicitor Rice explained that the Township has received a request to sell two small parcels of land acquired in 1996. He said that before the Township can do anything with the land there needs to be a determination to see if there are any restrictions on the property. Solicitor Rice said that he feels he would have the information prior to the next meeting.
 - ii) **MOTION:** Supervisor MacFarland made a motion to authorize the Solicitor to research ownership of Township open space parcel. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.

3) Announcements

- A) The Sewer Authority meeting will be held June 8 at 7:30 p.m.
- B) The Library Board of Trustees meeting will be held June 20 at 7 p.m.
- C) The Parks & Recreation Board meeting will be held June 21 at 7 p.m.
- D) The Lower Providence Fire Company's annual Firemen's Fair will be held June 9 through June 18 on the Fire Company's grounds, 3199 Ridge Pike, in Eagleville. Information available at www.lpfire.com.

4) Courtesy of the Floor

- A) Gina Mastrangelli, Providence Road, expressed concern about the management of the Shannondell pool, reporting safety concerns and stating they were denying membership to Township residents. She expressed her disappointment that there are no other public pools in the Township as well as the Board's inability to approve the YMCA's location to the Township. Ms. Mastrangelli said that since taxpayer money was used to support the pool the Township should have more oversight.
 - i) Chairman Sorgini said the Board has tried for five years to get YMCA into the Township but that the YMCA has been unable to acquire sufficient land. He explained that Shannondell only leases land from the Township for the swim club and that the Township has no say in pool operations.
 - ii) Solicitor Rice reiterated that the Township is not operating the pool and only lease payments, not revenue, is received from Shannondell. He also said that the YMCA has not been able to sign an agreement of sale for property within the Township
 - iii) Discussion was held regarding the leasing of the land to Shannondell and the purchase of open space in the Township. Chairman Sorgini said that the Board remains committed to finding more recreation in the Township.
- B) Jonathan Rardin of Archer & Griener, appeared on behalf of UMA properties, owner of Sunnyside Development. He gave an update on developments and improvements to the property. He said that code violations have been rectified and permits have been submitted for five new buildings and an office. He asked for assistance in facilitating those permits. Mr. Mrozinski said there were some concerns with the buildings and additional studies were recommended by the State DCED. He said he will look into the status of the projects and get back to the applicant within the week.
 - i) Solicitor Rice noted that this was a public meeting to discuss issues on the agenda and suggested Mr. Rardin's client set up a meeting with Mr. Mrozinski and the Township manager. Ms. Rudolf said she would be happy to help facilitate the process of moving the project forward.
- C) Preston Lutweiler, Mockingbird Lane, said he was sorry to hear that there is at least one resident upset with experience at the pool at Shannondell. He said that the Board recently voted for an increase for the funds for debt payment which helps cover the cost of the open space purchase.

He asked if the lease agreement was available for the public to review. Solicitor Rice said that it was a public document and available to all residents who make a requests. He said it might be a good idea to explain to the public at some point what the financial arrangement is for the pool.

- D) Tom Hazelton, Grant Road, stated that he felt his application to widen his driveway would be on the agenda for this meeting. Mr. Mrozinski said that it wasn't an agenda item for this meeting but would be on the agenda for the June 16 meeting. He explained to the Board that the waiver request in question would be to permit paving all the way to the street and apologized for not having the item on this meeting's agenda. Mr. Hazelton explained his permit request was denied even though many driveways in his neighborhood have similar driveway alterations. Discussion was held as to the driveways in his area which use blacktop instead of concrete, whether they were done with or without a permit and the configuration of his property.
- i) Solicitor Rice asked Mr. Primus to review the ordinance and advised the Board that they could act on this waiver at this meeting if they chose.
 - ii) **MOTION:** Supervisor Duffy made a motion to grant a waiver from Streets and Sidewalks Ordinance for 25 Grant Road. Supervisor Zimmerman seconded the motion.
 - iii) Supervisor MacFarland asked for clarification of how many houses in his neighborhood have similar driveways. Mr. Hazelton said that five out of seven houses in the neighborhood's cul-de-sacs have similar driveways and one other home is his cul-de-sac has a similar driveway. He said there would be no difference in storm water drainage.

The motion *passed* 4-0.

5) Adjournment

- A) **MOTION:** Supervisor Zimmerman made a motion to adjourn the meeting. Supervisor Duffy seconded the motion. The motion *passed* 4-0. The meeting adjourned at 8:45 p.m.

Next Business Meeting: June 16, 2016
July 7, 2016 – Cancelled