

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
FEBRUARY 5, 2015**

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

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, Eckman, Thomas and Zimmerman.
- a. Also in attendance were: Richard Gestrich, Township Manager, John Rice, Solicitor; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Timothy Woodrow, Township Engineer; John Primus, Director of Public Works; Geri Golas, Assistant Township Manager; Francis Carroll, Police Chief; and Hailey O'Donnell, Student Representative.
- b. Chairman Sorgini noted that prior to the meeting an executive session was held to discuss legal and personnel matters. He also noted that an executive session was held prior to the January 15, 2015 meeting.

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 January 15, 2015 into the record. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
- B) **MOTION:** Supervisor Zimmerman made a motion to temporarily adjourn the public meeting and enter into a public hearing. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

2) Public Hearing

- A) Consideration of an ordinance recognizing the authority of fire companies and emergency responders to seek reimbursement for hazardous abatement incidents, environmental incidents, and fire safety and rescue responses, and authorizing such emergency service providers to seek reimbursement from third party billing services and/or insurance companies
 - i) Solicitor Rice reviewed the proposed ordinance.
 - ii) Sorgini confirmed Article 3(b), that the only applicable parties involved are insurance carriers and not billable to individual residents.
 - iii) Ms. Eckman explained that this request came out of a meeting that she and Chairman Sorgini attended with the Fire Company. She reminded residents that the Fire Company is still 100% volunteer. The Township's funding is a yearly \$100,000 contribution with the State Relief organization contributing \$200,000. The rest of the funds are raised by the Fire Company and this ordinance will give them recourse where expenses are incurred.
- B) Consideration of an ordinance authorizing the participation of Lower Providence Township and the Pennsylvania State Association of Township Supervisors (PSATS) unemployment compensation group trust pursuant to the Pennsylvania Intergovernmental Cooperation Law

- i) Solicitor Rice reviewed the proposed ordinance.
 - ii) Ms. Golas gave background on the project stating the Township entered into an election to participate in 1982. The Trust formalized agreements for all municipalities in July of 2014 to clarify some of their governance issues and procedures. This agreement requires all members to adopt an ordinance authorizing participation. She stated that Trustees have been increased from three to five and all Trustees must be in a position of authority in the Township. Ms. Golas noted that this is simply a governance issue and no methods or factors have been changed in calculating the unemployment rates.
- 3) **MOTION:** Supervisor Zimmerman made a motion to adjourn the public hearing and re-enter into the public meeting. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
- 4) **Ordinances**
 - A) Consideration of an ordinance recognizing the authority of fire companies and emergency responders to seek reimbursement for hazardous abatement incidents, environmental incidents, and fire safety and rescue responses, and authorizing such emergency service providers to seek reimbursement from third party billing services and/or insurance companies
 - i) **MOTION:** Supervisor Eckman made a motion to adopt the ordinance. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
 - B) Consideration of an ordinance authorizing the participation of Lower Providence Township and the Pennsylvania State Association of Township Supervisors (PSATS) unemployment compensation group trust pursuant to the Pennsylvania Intergovernmental Cooperation Law
 - i) **MOTION:** Supervisor Thomas made a motion to adopt the ordinance. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.
- 5) **New Business**
 - A) Authorization to prepare and advertise 2015 roadwork bid.
 - i) Mr. Primus stated that they were seeking approval for his department and the Township Engineer to create the 2015 milling and paving bid package in order to take advantage of low fuel prices. He is also seeking approval to advertise the bid package when it is completed.
 - ii) Chairman Sorgini reviewed the roads that are scheduled for work. Supervisor Duffy confirmed that the money had already been secured in 2014. Mr. Gestrich said that the cost of oil makes this an excellent time to get the bids. Mr. Duffy asked if costs are so low would it be appropriate to add another road to the list. Mr. Gestrich said that if the bids were good they could move onto the next road on the list.
 - iii) **MOTION:** Supervisor Zimmerman made a motion to authorize the preparation and advertisement of the 2015 roadwork bid. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
 - B) Discussion and consideration of changes to pension investment strategy allocation
 - i) Ms. Golas stated that during the January Pension Committee meeting it was recommended by InR Advisory Services, the Township's Pension Plan Administrator, that the Township consider revising its Pension Funds Investment Policy.
 - ii) Mike Glackin of InR Advisory Services explained that the increase in the equity exposure is recommended for the Township to realize its 8% actuarial assumption on the investment returns of the Police and Employees Pension Plans and the 5% actuarial assumption on the investment returns of the Self-Insurance Funds.
 - iii) **MOTION:** Supervisor Duffy made a motion to consider the changes of the Pension allocation as recommended by InR Advisory. Supervisor Zimmerman seconded the motion.

- (1) Eckman confirmed that this was approved by the Township Pension Committee. Ms. Golas also stated that the Gasby rules changes will be reflected in our financial audits so there will not be separate valuations and financial audits, they will all tie in. And this will prevent a finding for unrealistic assumptions based on the pension allocation. Chairman Sorgini noted that in the Pension Committee Meeting Mr. Glacken and Mr. Hugo also addressed the issues faced by the Township in 2008-2009 and the strategies they would apply.

The motion *passed* 5-0.

C) Discussion and consideration of request to waive fence requirements, 101 S. Midland Avenue

- i) Mr. Mrozinski reviewed the request, stating that the current ordinance does not allow for a solid fencing in the front of the property. The applicant is asking for a waiver for a solid fence to enclose an existing patio. The design would meet that of adjoining neighbors.
- ii) Maria Shipe, the applicant, addressed her need for the fence for both privacy and containment of her dogs and child. She showed photos of both the proposed fence as well as photos of her property.
- iii) Chairman Sorgini asked if there had been any opposition from neighbors. Mr. Mrozinski said there had not been. She discussed with neighbors the fact that the front yard fence would be 30 feet back from the curb.
- iv) Supervisor Duffy noted that he had observed her improvements to the property since her purchase.
- v) Eckman confirmed that the fence on the right side of the house would be in compliance and that it was only the 3rd street side that is the problem, which would still be 30 feet removed from the curb. Ms. Shipe agreed, noting that the fence would begin one foot back from the side of the house.
- vi) **MOTION:** Supervisor Thomas made a motion to approve a waiver for the fence requirement for 101 S. Midland Avenue. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

D) Discussion and consideration of supplement appropriation from the General Fund for the acquisition of technology equipment

- i) Mr. Roth reviewed his January 19 memo which itemizes the costs of the requested computers and peripherals. He noted this would bring all office computers up to a supported platform. Chairman Sorgini noted that this had been discussed during the budget process.
- ii) **MOTION:** Supervisor Duffy made a motion to approve the supplemental appropriation from the General Fund for the acquisition of technology equipment. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.

E) Authorization to advertise Zoning Text and Zoning Map Amendments: IND-Industrial District Text Amendment and PBO to R-3 Zoning Map Amendment

- i) Solicitor Rice reviewed the ordinances, stating that these changes had been through the Planning Commission and through the county review process. He stated these matters were before the Board for approval of advertisement and public hearing.
- ii) Chris Canavan of W.B. Homes reviewed the project. He noted he was last before the board in November to outline the project and that the proof of concept plan shows approximately 144 Townhomes on the property. The proposal would have to go through the criteria and architectural requirements in the proposed ordinances. After the November Board of Supervisor meeting Mr. Canavan said that Townships staff was directed to come up with the ordinances to allow this development to move forward. He stated a lengthy land development

and conditional use process will be undertaken so the Township ends up with the type of development they are seeking. He reviewed the remediation plan and environmental protections, which will be put in place.

(1) Supervisor Duffy reiterated that W.B. Homes had appeared before the Planning Commission and that they had approved this plan to move forward.

iii) **MOTION:** Supervisor Zimmerman made a motion to approve to advertise Zoning Text and Zoning Map Amendments: IND-Industrial District Text Amendment and PBO to R-3. Supervisor Duffy seconded the motion. The motion *passed* 5-0.

F) Authorization to prepare recreational facility ordinance

i) Solicitor Rice stated that the Township has been presented with proposals regarding the construction of outdoor fields, recreational facilities, etc. in the Public Facilities Overlay Zone. Currently there are recreation uses in the Overlay Zone that are not permitted. This text amendment will permit that type of use. He stated that once the ordinance is prepared it will go through the Planning Commission process.

ii) **MOTION:** Supervisor Duffy made a motion to prepare a recreational facility ordinance. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.

6) Old Business

A) Discussion and consideration of preliminary/final plan for S-14-02 Kimco 2600 Ridge Pike

i) Mr. Mrozinski reviewed the plan noting that issues on legal descriptions and buffering were discussed at the January meeting. He stated that those issues had been resolved.

ii) Mr. Glazer updated the Board in the status of the former Genuardi's site, stating that they had been close to signing a contract with a tenant who had reversed their decision late in the process. He stated they are still aggressively marketing the property and will keep the Board updated on its status.

(1) Mr. Cornelius Brown of Bohler Engineering addressed the fencing issues stating that the final conclusion was drafted and that the applicant was willing to put funds in escrow for additional landscaping if the Township felt there were areas that needed additional screening.

(2) Mr. Sorgini asked for clarification on how one parcel, under one owner, would be managed. Mr. Glazer said they will create a Reciprocal Easement Agreement (REA) for which Kimco will be the managing partner. It will not be evident to the public that the property does not have a single owner. He reiterated that this is standard practice in the industry. The idea is for the property to look like one cohesive shopping center and that is their plan and intent.

(3) Mr. Gestrich stated he had a lead on a growing business that he will forward to Mr. Glazer. Mr. Glazer stated he believes he has been in talks with this business and their initial interest is to own a building outright. He will continue in discussions with this business.

iii) Solicitor Rice reviewed the waiver requests.

iv) Solicitor Duffy asked Mr. Glazer how this proposal would help the residents of Lower Providence Township, expressing concern that once this is in place the self-storage property would be a permanent fixture. Mr. Glazer stated that the size and type of retail formerly in this shopping center and in this community as it has been out-positioned. This proposal would give Kimco more flexibility in marketing the property to make it a thriving shopping center. Supervisor Duffy asked how the subdivision would assist in building a new facility on the property. Mr. Glazer stated that in order to competitively market the property that this

needed to be in place. Medical and hospital groups lean toward wanting to own their property and by having this in place it allows them to move quickly in closing a deal. Supervisor Duffy stated that he feels by not providing retail we are forcing people to leave the Township to find the type of businesses they are seeking.

- B) **MOTION:** Supervisor Thomas made a motion to approve the preliminary/final plan for S-14-02 Kimco 2600 Ridge Pike. Supervisor Eckman seconded the motion. The motion *passed* 4-1 with Supervisor Duffy in opposition.

C) Approval of amendment to trash and recycling contract

- i) Solicitor Rice explained that this was an addendum to the December 29 agreement as that agreement neglected to include the charge for recyclables of \$107.28 per residence.
- ii) Supervisor Duffy clarified that the ultimate price will be the same and that this was just cleaning up the language. Solicitor Rice agreed that the bid included this but the contract eliminated the language.

- iii) **MOTION:** Supervisor Duffy made a motion to approve the amendment to the trash and recycling contract. Supervisor Zimmerman seconded the motion. The Motion passed 4-1 with Supervisor Eckman in opposition.

(1) Supervisor Eckman noted that she was in opposition only because, as she had stated previously, she would have preferred the once-per-week pick-up option.

7) **Announcements:**

- A) Sewer Authority will meet February 11 at 7:30 p.m.
- B) Library Board will meet February at 7 p.m.
- C) Parks and Recreation Board will meet on February 17 at 7 p.m.
- D) Planning Commission will meet on February 25 at 7 p.m.
 - i) Mr. Mrozinski said that agenda items include a minor lot line plan at Sycamore Farms that had been postponed from the January meeting.
- E) Zoning Hearing Board will meet on February 26 at 7 p.m.
 - i) Mr. Mrozinski noted that the agenda items include a hearing for a proposed cell tower on Level Road. This issue had been put on hold for some time while other alternatives were considered. The applicant has reactivated the hearing.
- F) Methacton MiniTHON fundraiser at P.J. Whelihan's on Feb. 12. Fifteen percent of the bill will go to the fundraiser for pediatric cancer research.
- G) Chairman Sorgini requested that residents help keep any fire hydrants on their property clear during inclement weather.

8) **Comments and Other Business**

- A) Supervisor Eckman stated that she and Supervisor Zimmerman, who are members of the Business Development Committee, met to discuss a Business Roundtable discussion with property owners, brokers and business owners to have an open discussion as to their needs and potential problems. Mr. Roth said they are looking at a spring event at the Township building. The Business Development Committee will be meet on February 24 to further discuss this idea. Supervisor Eckman also said they have identified 10 vacant properties that they are focusing on. Mr. Roth said that these are also posted on the Business Development webpage. These were prioritized with the assistance of Mr. Gestrich. Supervisor Eckman also noted that Mr. Roth had added a calendar feature to the Township website.
- B) Supervisor Duffy reported that the Planning Commission met on January 28. He stated that two agenda items at that meeting, the zoning text amendments proposed by W.B. Homes and the Taco Bell property, were approved and should be before the board shortly.

C) Mr. Gestrich gave an update on the Arcola Bridge project.

D) Mr. Mrozinski apologized to the community for any delays and thanked them for their patience as the Community Development Department has been decimated by illness.

9) Courtesy of Floor

10) Adjournment

MOTION: Supervisor Zimmerman made a motion to adjourn the meeting. Supervisor Thomas seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:50 p.m.

Next Business Meeting: February 19, 2015
March 5, 2015