

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
OCTOBER 1, 2015**

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**Executive Session:** The Executive Session was called to order at 6:35 p.m. on a motion by Mrs. Zimmerman, seconded by Mr. Duffy. Present were Supervisors Mr. Sorgini, Mr. Duffy, Mr. Thomas and Mrs. Zimmerman. Also present were Solicitor Mr. Rice, Township Manager Mr. Gestrich and Assistant Township Manager Mrs. Golas. The session was adjourned at 7:28 p.m. on a motion by Mrs. Zimmerman seconded by Mr. Thomas.

**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, Thomas and Zimmerman.
- 1) Also in attendance were: Richard Gestrich, Township Manager, John Rice, Township Solicitor; Mike Mrozinski, Community Development Director; Timothy Woodrow, Township Engineer; Casey Moore, Traffic Engineer; Geri Golas, Assistant Township Manager; John Primus, Director of Public Works; and Francis Carroll, Chief of Police.  
Mr. Sorgini announced that prior to the meeting an executive session was held to discuss legal and real estate matters.
- 2) **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 September 17, 2015 into the record.  
Supervisor Duffy seconded the motion. The motion *passed* 4-0.
- 3) **Presentations**
  - A) Total Maximum Daily Load (TMDL) and a history of stormwater in Lower Providence Township – Time Woodrow, Township Engineer
    - i) Mr. Woodrow gave a PowerPoint presentation on the history of stormwater issues in Lower Providence Township.
    - ii) He discussed the Skippack Creek TMDL and the potential impact on Lower Providence Township.
      - (1) Supervisor Zimmerman asked when the regulations would take effect. Mr. Woodrow said the DEP would like to hear the Township's plan by the end of December.
      - (2) Supervisor Duffy asked how far off the Township was from meeting the TMDL. Mr. Woodrow said that the Township has been practicing good protocol all along but the DEP is looking to the future and wants to see a reduction in the sediment load. He stated the DEP has given the Township a list of things to do to accomplish that but most are for features on private property that the Township has no control over.
      - (3) Chairman Sorgini noted that this was a good time to talk about the measures as the Township prepares to go into budget talks. Mr. Woodrow said that this was the planning stage and that the costs can be spread out over a number of years and there are a number of plans that can be considered.
      - (4) Supervisor Thomas asked how the data for the TMDL was determined and questioned the time frame during which it was gathered. He also asked when was the last time the sediment load was measured? Mr. Woodrow said that the quality of science associated with the study has been a point of contention.

- (5) Mr. Gestrich noted that a considerable amount of Skippack Creek is fronted by Evansburg State Park and asked what responsibility the State was taking for the sediment load. Mr. Woodrow said that the State DCNR does not operate a stormwater permit and is therefore not obliged to manage any runoff. He said that there are ways to take the State allocation out of Lower Providence's numbers and they have been working on that for some time. Mr. Gestrich asked if there was a cooperative effort between townships affected by the TMDL. Mr. Woodrow said that this was something to explore and there has been some interest in developing one consolidated plan rather than individual plans. He asked the board if they would be in favor of working together with other municipalities in a cooperative effort to manage these issues. Chairman Sorgini and Supervisor Zimmerman both expressed their approval for cooperative efforts. Chairman Sorgini asked if there had been any discussion about passing on this cost to developers through a TMDL fee. Solicitor Rice opened discussion regarding using the Stormwater authorities as a financial tool.
- (6) Mr. Woodrow said there would be a lot to talk about in the future and this information session was the first step.

#### **4) New Business**

##### **A) Consideration of S-15-05, Village at Evansburg/WB Homes – Preliminary/Final Plan Review.**

- i) Mr. Mrozinski gave an overview of the preliminary/final plan, noting that the Planning Commission has reviewed and recommended approval.
- ii) Chris Canavan, WB Homes, described the project including lot sizes, stormwater basin and sidewalks. He reviewed the waiver requests.
- iii) Chairman Sorgini asked for clarification of the request for a waiver from Section 123-34.E which allows street intersection distance to be less than 200 feet. Mr. Canavan said that as a result of their traffic analysis and discussions with the Township Engineer it was determined that no traffic hazards would be created due to low volume of traffic from the development. Chairman Sorgini said he had read the review letters and asked Chief Carroll if he had any issues with the safety concerns at the intersection. Chief Carroll said that he did not.
- iv) Solicitor Rice asked how the rain gardens, which are features on some lots, would be maintained in the future. Mr. Canavan said that these would be maintained by the Home Owners Association (HOA) and not left to the individual lot owner. Solicitor Rice asked for details on how this would be disclosed to the homeowners. Mr. Canavan stated that a residential disclosure would be available for Township review as well as the HOA agreement. Solicitor Rice asked for clarification of the road easement on the lot. Mr. Canavan described how Vincent Drive was developed and how removing the easement will create a remnant parcel that they would attempt to convey back to the existing subdivision HOA.
- v) Mr. Gestrich opened discussion on chain link fencing issue. Mr. Canavan said that at the Planning Commission meeting the request was to not utilize fencing but rather extra landscaping to create a buffer. Mr. Woodrow discussed basins in Lower Providence Township and how they are moving toward more naturalized buffers rather than fencing in basins.
- vi) Mr. Rice explained that issue would come back as a resolution at the next Board of Supervisors meeting for vote.

##### **B) Consideration of LD-15-15, S. Park Avenue – Preliminary/Final Review.**

- i) Mr. Mrozinski gave an overview of the preliminary/final plan; He stated that Mr. Anderko lives on the property.
- ii) Kevin Fruck, on behalf of the applicant, reviewed plans for the property, stating that the applicant would like to create a parcel on the property.
  - (1) Mr. Fruck reviewed the waiver requests for the project.
  - (2) Mr. Fruck discussed the stormwater issues on the property and how they would be managed in the plan. Supervisor Sorgini asked if they would be adding vegetation as recommended by the Planning Commission. Mr. Fruck said they would.
  - (3) Mr. Woodrow discussed the site distance and how the Planning Commission came to their recommendation. He said that the applicant would need a driveway permit issued by PennDOT and that permit would only be issued if the plan met PennDOT's requirements. Mr. Woodrow said the Planning Commission felt, and he agreed, that they can default to PennDOT's requirements for the site distance. Solicitor Rice clarified that the plan would meet PennDOT's requirement. Mr. Woodrow said that it would
  - (4) Supervisor Duffy said the main issue the Planning Commission had with the development was with the sidewalk and curbing waiver request. He said that the Township hopes to straighten out the intersection at Park Avenue but they don't yet have a final plan for how that will look. Mr. Gestrich agreed. He said there are two conceptual plans being discussed, one which will be a single stream crossing and one with a double stream crossing. He explained that in looking at both plans neither show a need to dedicate a right-of-way for this property. Mr. Gestrich said that the Anderko property on the other side of Crawford Avenue would be impacted should it be developed. Mr. Fruck agreed.
  - (5) Solicitor Rice asked about dedicating a right-of-way and if that would need to be acquired along the frontage. Mr. Woodrow said that it was correct that the Township would need to acquire ultimate right-of-way for future improvements. Mr. Woodrow said discussion was held as to how that would affect the spring house on the property. He noted that the Planning Commission felt it was important to preserve this feature if possible and that a note would be added to the plan that if the spring house were to come down at anytime the right-of-way would revert to the Township or government entity at that time. Mr. Fruck clarified where the deed line was on the property in relation to the spring house. Discussion was held as to the difference between the legal right-of-way versus ultimate right-of-way and how it applies to the property.
  - (6) Mr. Gestrich asked Mr. Moore to discuss the proposed road widening and how sidewalks could fit into that plan. He discussed the road widening and the complications the stream on the property could pose. Mr. Anderko said these issues would be addressed when the Nicolo property project moves forward. Supervisor Duffy asked if sidewalks could be installed once improvements to the intersection are made. Casey Moore said that is yet to be determined but believes it may be part of the plan to add walkability because of the Multimodal grant. He does not think, however, that it could be done on the north side because of the topography but feels on the southside, along Park Avenue would have sidewalks. He noted that the historic building on the site would prohibit widening. Supervisor Duffy asked if he would recommend a sidewalk development associated with the road straightening be on the opposite side of Park Avenue? Mr. Moore said that he would.
  - (7) Mr. Rice explained that issue will come back as a resolution at the next Board of Supervisors meeting for vote

- C) Consideration of request for waiver of fence requirements to allow solid style 5' fence in the front yard at 2917 Martha Lane
- i) Mr. Mrozinski reviewed the request. He said the fence was installed simultaneously with the permit review.
  - ii) Mr. Welch, the homeowner, stated that the fence installation had moved more quickly than he had planned and that no neighbors were in opposition to the fence.
  - iii) Supervisor Duffy asked for clarification of where the home was located and asked if a permit fee had been paid. Mr. Welch said the fee had not yet been paid since the permit had not been accepted.
  - iv) **MOTION:** Supervisor Duffy made a motion to grant the request for waiver of fence requirements to allow a solid style 5' fence in the front yard at 2917 Martha Lane. Supervisor Zimmerman seconded the motion. Motion *passed* 4-0.
- D) Consideration of request for stormwater easement (275 Evansburg Road/Gambone).
- i) Mr. Rice explained that the Township had received a request from the Gambone's to access township property in order to run stormwater piping from their property to through open space to a stream channel. He stated the Board authorized the drafting of a Drainage Easement Agreement. He said that a plan has been submitted and reviewed by the Township's Engineer. Solicitor Rice said that once this project moves forward the Township will oversee construction.
  - ii) **MOTION:** Supervisor Zimmerman made a motion to grant the request for stormwater easement. Supervisor Duffy seconded the motion. The motion *passed* 4-0.
- E) Consideration of Pennsylvania Infrastructure Bank (PID) Loan Application for 2016 Road Resurfacing.
- i) Gerri Golas, Assistant Township Manager, described the request for authorizing consideration of proceeding with the PIB application process in order to position the Township in the funding pipeline for financing the 2016 Road Work proposed as priority projects.
  - ii) Mr. Gestrich discussed the selection process for the roads to be resurfaced.
  - iii) **MOTION:** Supervisor Duffy made a motion to approve consideration of Pennsylvania Infrastructure Bank (PID) Loan Application for 2016 Road Resurfacing. Supervisor Thomas seconded the motion. The motion *passed* 4-0.

## 5) Old Business

- A) Consideration of request for waiver of fence requirements to allow solid style fence in front yard at 1020 S. Park Avenue.
- i) Mr. Mrozinski reviewed the request and did confirm that the fence has been constructed and there is no application on file. He has left multiple messages with the homeowners to try to get questions answered. Chairman Sorgini asked if the fence was in violation of the code. Mr. Mrozinski said that because it was constructed without a permit it is in violation. He said that with the Board's permission he would work with the solicitor's office to see what can be done toward compliance.
  - ii) Supervisor Zimmerman said she would like to try to bring the homeowners before the Board before they try anything drastic. Chairman Sorgini suggested they give them one more opportunity to address the issue before taking additional action. Solicitor Rice asked if the homeowner had been asked to file a permit. Mr. Mrozinski said they had. He noted that they have correspondence on file requesting a waiver but not a permit.
  - iii) Mr. Mrozinski said he would draft a letter for the solicitor to review.

**6) Announcements**

- A) The Township's Fall Festival has been cancelled due to weather. Chairman Sorgini thanked the township staff for all of their hard work and apologized to Township residents and the vendors for the necessary cancellation.
- B) Parks & Recreation Board meeting will be held on October 13 at 7 p.m.
- C) Sewer Authority will meet on October 14 at 7:30 p.m.
- D) Special Board of Supervisors meeting to discuss 2016 Budget will be held on October 15 at 6 p.m.
- E) Library Board meeting will be held on October 19 at 7 p.m.

**7) Comments and other Business**

- A) Mr. Gestrich updated the Board on the Arcola Road Bridge construction. He said that he spoke with Ken Starr at the County who stated that crews have returned to the bridge as of 9/29. Mr. Gestrich discussed the scope of the work and said that the project is still slated to be completed by July 5, 2016.
- B) Chairman Sorgini said that it was important to understand that the contract the County has entered into with the builder states that the work must be completed by July 5, 2016 but that daily work may ebb and flow based on the contractors other commitments. However, everyone is reasonably positive that the work will be completed on time and that the bridge will be open by July 5, 2016.
- C) Supervisor Duffy said that it was his understanding that the contract calls for substantial daily penalties if the work is not done by July 5. Mr. Gestrich said this was correct.

**8) Adjournment**

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

Next Business Meeting:   October 15, 2015  
  November 5, 2015