

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
DECEMBER 17, 2015**

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.
- b. Also in attendance were: Richard Gestrich, Township Manager; John Rice, Township Solicitor; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Karl Lukens, Parks & Recreation Director, Lonnie Manai, Township Engineer; John Primus, Director of Public Works; Denise Walsh, Community Relations Coordinator; and Francis Carroll, 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), 1(b), 1(c) and 1(d), including moving the meeting minutes of December 3, 2015 into the record. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

2) Presentations

- A) Presentation to Don Thomas recognizing dedicated service and commitment to Lower Providence Township as a Supervisor from 2010 to 2015.
- B) Presentation to Dispatcher Jordan McCourry recognizing 10 years of service with the Lower Providence Township Police Department.

3) Public Hearing

- A) **MOTION:** Supervisor Thomas made a motion to suspend the meeting into a public hearing. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.
- B) Consideration of an ordinance amending the codified ordinances of Lower Providence Township adopting the 2009 edition of the International Property Maintenance Code as the township's Property Maintenance Code.
- C) Solicitor Rice reviewed the ordinance and the need for updating. He noted that there will be some changes in the Property Maintenance Code that will be unique to Lower Providence Township. Mr. Mrozinski said they wanted to make sure they were as up to date as possible.
 - i) Kathie Eskie, Highgate Road, asked if realtors will receive copies of the changes to resale certificate and will they be readily available to the public. Mr. Mrozinski said that he doesn't anticipate any real changes to the resale certificate but rather this will bring it up to code. Ms. Eskie said that bringing it up to code indicates that there will be changes. She requested that the Montgomery Board of Realtors get a copy of any changes. Mr. Mrozinski said that he would ensure they were distributed.
 - ii) Pat Mandracchia, requested clarification of language in the proposed ordinance regarding penalties to property owners for various violations. He thanked the Township staff and Board for being friendly to business and expressed concern that no changes would make currently vacant properties more difficult to develop. Solicitor Rice discussed the due process for fines and liens and said that the particular sections in question are more in response to problem properties.

D) **MOTON:** Supervisor Thomas made a motion to adjourn the public hearing and move back into a public meeting. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

4) Ordinances

A) Adoption of an ordinance amending the codified ordinance of Lower Providence Township adopting the 2009 edition of the International Property maintenance Code as the Township's Property Maintenance Code.

i) Solicitor Rice stated that the Board has listened to public comment and staff's response to questions. At Chairman Sorgini's request he further explained the liability issues in the ordinance.

B) **MOTION:** Supervisor Duffy made a motion to adopt the ordinance amending the codified ordinance of Lower Providence Township adopting the 2009 edition of the International Property Maintenance Code as the Township's Property Maintenance Code, striking the language "a strict liability offense" in Section 106.3. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.

5) New Business

A) Authorization to advertise bid for resurfacing of basketball court at Eskie Park

i) Karl Lukens explained the project. He requested authorization to advertise the specifications for the bid for resurfacing of the Eskie Park basketball court.

ii) **MOTION:** Supervisor Zimmerman made a motion to authorize the advertising of the bid for resurfacing of basketball court at Eskie Park. Supervisor Eckman seconded the motion.

(1) Supervisor Eckman noted that the funds for Park & Recreation projects come from developer's fees and not from public taxes.

The motion *passed* 5-0.

B) Approval of 2016 Equipment Rental Agreement

i) Mr. Primus stated that they requested bids for the 2016 Equipment rental and received one quote from James R. Kenney Excavating and Paving Inc., the same contractor used by the Township in 2015. Mr. Primus said the price has remained the same and recommended accepting the quote.

ii) **MOTION:** Supervisor Thomas made a motion to accept the 2016 Equipment Rental Agreement from James. R. Kenney Excavating and Paving Inc. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0.

C) Consideration of a waiver request pursuant to Chapter 81 to permit the installation of a 24'x4' solid-style fence along the side property line at 2769 Lantern Lane, Audubon.

i) Mr. Mrozinski explained the need for the waiver. Mr. Mrozinski has spoken with the neighbors and they have no opposition to the fence.

ii) **MOTION:** Supervisor Zimmerman made a motion to approve the waiver request pursuant to Chapter 81 to permit the installation of a 24'x4' solid-style fence along the side property line at 2769 Lantern Lane, Audubon. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

D) Consideration and possible approval of a resolution approving the preliminary/final Subdivision plan for Landis Mill Estates, Landis Mill Road, HTC Associates.

i) Solicitor Rice reviewed the resolution, stating he met with staff and the Township engineer to go over the review letters and stated the applicant is in agreement with the resolution.

ii) Supervisor Eckman asked for an explanation of Waiver 8(d). Solicitor Rice said this was a response to the Landscape review letter. He said the Heritage tree, despite the size, is in poor health. Solicitor Rice said this is included because the applicant is intending to propose a

landscaping plan, which the Township will have final approval on. He noted that the applicant said that an arborist and landscaper will meet and walk the site and any member of staff is welcome to come to the walkthrough.

iii) Supervisor Eckman asked for clarification of Waiver 8(b), expressing concern that the houses in that area will be affected. Supervisor Thomas said that neighbors had been in and were in favor of keeping the rural landscaping as opposed to widening the road.

iv) **MOTION:** Supervisor Thomas made a motion to approve the resolution approving preliminary/final subdivision plan for Landis Mill Estates, Landis Mill road, HTC Associates. Supervisor Zimmerman seconded the motion.

(1) Thomas Borai, Brenda Lane, expressed concern that the Board was passing an ordinance without having the waivers explained. Solicitor Rice said they were explained in the ordinance and read the waivers to the room. Mr. Borai was concerned that sidewalks would not be installed. Supervisor Duffy said that they would. Mr. Borai asked if the Fire Department had been contacted to see if the 20 foot cart way would be sufficient. Supervisor Duffy said the road would be widened at the entrance and it was only further down past Landis Mill that the road would not be widened.

(2) Preston Luitweiler, Mockingbird Lane, stated he was at the Planning Commission meeting where this development was discussed. He said there was a discussion of individual waivers at length. He seconded Mr. Borai's complaint that the audience did not have the full information of the ordinance. Mr. Luitweiler mentioned negotiation for a path connecting the existing neighborhood and feels the Board is missing an opportunity to provide connectivity to the area.

(3) Supervisor Eckman expressed her opposition to waiver 8(b)

v) Chairman Sorgini announced they will vote upon the motion one waiver at a time:

(1) **MOTION:** The motion to approve Waiver 8(a). The motion *passed* 4-1 with Supervisor Eckman in opposition.

(2) **MOTION:** The motion to approve Waiver 8(b). The motion *passed* 4-1 with Supervisor Eckman in opposition.

(3) **MOTION:** The motion to approve Waiver 8(c). The motion *passed* 5-0.

(4) **MOTION:** The motion to approve Waiver 8(d). The motion *passed* 5-0.

E) Consideration and possible authorization to advertise ZT-15-03, Ordinance Amendments establishing special storm water drainage requirements for lots less than 7,000 sq.ft. and permitting small lot residential development option in the PBO district by conditional use.

i) Mr. Mrozinski reviewed the ordinance amendments proposed in conjunction with a subdivision proposal by 35 Evansburg Rd.; a Gambone development to construct approximately thirty single family detached "Village Houses".

ii) Solicitor Rice said this was up for authorization to advertise and would come before the Board at their second meeting in January

iii) **MOTION:** Supervisor Duffy made a motion to authorize advertisement of ZT-15-03. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

F) Consideration and possible approval of request for waiver of land development for the Learning Experience, 901 S. Trooper Road.

i) Mr. Mrozinski reviewed the waiver request, stating the modifications to the building will be minor.

ii) The applicant's attorney, Michael Clement, said that the modifications will be minor and include a modification of approximately 800 feet of parking.

- iii) **MOTION:** Supervisor Zimmerman made a motion to approve the waiver request of land development for the Learning Experience, 901 S. Trooper Road. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
- G) Consideration and authorization to advertise a bid to sell Township property, parcel #43-00-02731-007.
- i) Mr. Gestrich said that James Jones approached the Township about the sale of two movie lot parcels that have been combined into one lot. The lots total 5,000 square feet and are assessed at \$3,180. As the lots are assessed over \$1,500 they must be advertised for bid. Mr. Gestrich recommended a minimum bid price of \$500.
- (1) Supervisor Eckman questioned the minimum bid amount. Mr. Gestrich stated that amount could be adjusted. In response to Supervisor Eckman, Mr. Gestrich stated that the lots could only be accessed through Mr. Jones' property and that there was no compelling reason to retain the property.
- (2) Thomas Borai, Brenda Lane, expressed concern about the low bid price and feels the property should stay within the Township. Mr. Gestrich noted that \$500 is the minimum bid, not the price of the property. Mr. Borai said that if no one else bid on the property the Township would have to accept the bid, even if it were the minimum.
- (3) Rick Brown, resident, went on the record to oppose selling open space in his neighborhood, stating he lives on Grange Ave. He discussed his ongoing battle with roadside spraying and expressed concern that the stream on the property would be compromised once the lots are fully consolidated.
- ii) **MOTION:** Supervisor Duffy made a motion to table the request until Mr. Jones could come before the Board and express his intent for the property. Supervisor Thomas seconded the motion. The motion *passed* 5-0.
- H) Authorization for the Lower Providence Community Library to advertise for bids for its renovation project.
- i) Lynne Burkholder, Library Director, reviewed the renovation plans, which are estimated to cost \$126,000.
- ii) Supervisor Duffy noted that the Library is paying for this project out of their own funds.
- iii) **MOTION:** Supervisor Zimmerman made a motion to authorize the Lower Providence Community Library to advertise for bids for its renovation project. Supervisor Eckman seconded the motion.
- (1) Thomas Borai, Brenda Lane, expressed his opposition to a coffee shop being built in the library. He also stated that many non-residents use the library and should bear some of the costs of its upkeep.
- (2) Ms. Burkholder said that the project was a renovation of an existing area and putting in a hardwood floor was the largest expense of the coffee area.
- (3) Kathie Eskie, Highgate Road, stated she was in support of the Township Library but feels this is money misspent. She said it would be better spent re-evaluating the library with an eye to expansion. She did note that a survey was done and the coffee shop is something that people want but she feels it is excessive.
- (a) Chairman Sorgini said that he is a traditionalist but realizes he has to move with the times and frequents libraries in schools and universities where coffee shops are a part of the culture.
- (b) Ms. Burkholder said that previous renovation plans included space for a coffee bar since this is something that patrons wanted. She said a recent survey asked residents

what would entice them to use the library more and the coffee shop was the number one response on the survey. Ms. Burkholder said that this will actually add more seating to the library, which is desperately needed. She noted that this was an idea that Township's residents came up with rather than library staff.

The motion *passed* 5-0.

I) Authorization of award of the three-year Landscape Maintenance contract.

- i) Karl Lukens reviewed the bidding process for the Landscape Maintenance contract and stated that based on the company's reference checks and bid pricing he recommended the bid be awarded to Green Ridge Landscaping, Inc.
- ii) **MOTION:** Supervisor Zimmerman made a motion to authorize the award of the three-year Landscape Maintenance contract. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

6) Announcements

- A) Zoning Hearing Board Meeting will be held on December 21 at 7 p.m.
- B) Reorganization Meeting of the Board of Supervisors will be held on Monday, January 4 at 7:30 p.m.
- C) Reorganization meeting of the Board of Auditors will be held Tuesday, January 5 at 4 p.m.
- D) Swearing-in Ceremony for Stanley Turtle, Chief of Police will be held Tuesday, January 5 at 7 p.m.
- E) Presentation to Chief Carroll recognizing his service to Lower Providence Township. Chairman Sorgini

7) Courtesy of the Floor

- A) Rick Brown, thanked both Don Thomas and Chief Carroll for their service. He brought the trash on Ridge Pike to the Board's attention. He said that inmates from the prison have worked on cleaning it up as well as the Township public works department and he is stymied at what to do to keep it clean.
- B) Thomas Borai, said that the Township is losing a good leader in Chief Carroll. He said that Chief Carroll was always there for him as Chair, as a Supervisor and was always in full support. Mr. Borai said he will be missed.
- C) Nancy McFarland said that Chief Carroll made it easy being a Supervisor and that any credit she received for the Police Department was due to his leadership. She expressed her pride in him and in the police force.
- D) Resident, [name unknown], said that Chief Carroll was wonderful and added to the goodness of Lower Providence Township. She thanked him for his service.

8) Adjournment

MOTION: Supervisor Thomas made a motion to adjourn the meeting. Chairman Sorgini seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:20 p.m.

Reorganization Meeting: Monday, January 4, 2016 at 7:30 p.m.

Special Meeting: Swearing-in Ceremony for Stanley M. Turtle, Chief of Police;
Tuesday, January 5 at 7 p.m.

Next Business Meeting: January 21, 2016.