

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
JANUARY 18, 2018**

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**Call to Order:** Chairman Duffy called the meeting to order at 7:30 p.m.

**Pledge of Allegiance**

**Roll Call:**

- a. The following members were in attendance: Chairman Duffy, Supervisors Eckman, Sorgini, MacFarland and Neights.
- b. Also in attendance were: John Rice, Township Solicitor; Don Delamater, Township Manager; Mike Mrozinski, Community Development Director; Tim Woodward, Township Engineer; Geri Golas, Assistant Township Manager; Susan Law, Accounting Manager; John Primus, Director of Public Works; Stanley Turtle, Chief of Police; and Jennifer Reed, Student Representative

**1) Consent Agenda**

- A) **MOTION:** Supervisor Sorgini made a motion to approve the consent agenda items 1(a), 1(b) and 1(c), including moving the minutes of December 21, 2017 and January 2, 2018 into the record. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

**2) Presentation**

- A) Quarterly financial update
  - i) Susan Law presented the quarterly financial update.
    - (1) Supervisor MacFarland asked Mr. Primus about the differential between the budgeted and actual costs of the road projects. Mr. Primus said that the bids received were much lower than anticipated. Mr. MacFarland confirmed that all work was accomplished at a much lower cost than anticipated. Mr. Primus agreed.

**3) New Business**

- A) Consideration of a waiver of land development for 9 S. Park Avenue.
  - i) Mr. Mrozinski reviewed the waiver request.
  - ii) Brian Wayland, the applicant, was welcomed to the Township by the Board of Supervisors.
  - iii) In response to Supervisor MacFarland, Mr. Wayland said the new structure on the property would be the beer production area and that the existing house would be used as a taproom. He also said he was aware of Mr. Woodrow's review letter and had no issues with the requests. Supervisor MacFarland suggested he contact the adjacent neighbors and share his plan. Mr. Wayland said he has been in contact with several of the neighbors and has distributed a flyer introducing the plan, and him, to the neighborhood. He said that ORGO stood for "Only Really Good Option" and was also a play on organic chemistry, which is Mr. Wayland's background, with the concept that your beer is being made by scientists. Mr. Wayland said he is hoping for the business to be open by the beginning of summer.
  - iv) Supervisor Sorgini asked about the applicant's plan to incorporate a food truck into the business plan. Mr. Wayland said the business will not have kitchen facilities but for weekends and events they wanted to have the option of a food truck on site. He said they have parking available and this will not cause any traffic issues. Supervisor Sorgini asked for clarification that this site was once utilized as a bar/restaurant. Mr. Mrozinski said that that was his understanding.

- v) In response to Chairman Duffy, Mr. Wayland said they would be open from 1 p.m. to 11 p.m. on weekends and open at 4 p.m. on weekdays. He said they would be closed on Mondays and Tuesdays
- vi) Mr. Woodrow said the waiver of land development is not unique. He said there are times when the land development process is necessary but in this case, after a walk of the property, no issues are evident and this will clean up the property and make it a nice addition to the Township. He said that both he and Mike recommend the waiver, with listed conditions. Chairman Duffy asked Mr. Wayland if they had any issues with the conditions on the Woodrow letter. Mr. Wayland said that he did not and wanted the property to look its best.
- vii) Supervisor Eckman asked if the intent is to keep everything inside or would there be an outside serving area. Mr. Wayland said there would not be an outside serving area but they may use the outside terrace during warm weather. Supervisor Eckman expressed concern about disruption of the neighborhood. Solicitor Rice clarified that the applicant would not have outdoor or amplified music. Mr. Wayland said he would not.
- viii) Supervisor Neights asked if all of their revenue would be from onsite sales or will they sell beer to other sources. Mr. Wayland said they do plan to distribute beer but most revenue will be from taproom sales and that will be focus of the business. He said the capacity of the facility is 70 with 34 parking spots. Supervisor Neights asked if he had done a parking study to determine if that was sufficient. Mr. Wayland said he had and, at this point, they will have no issue. However, if parking becomes an issue they have looked into options for overflow parking.
- ix) **MOTION:** Supervisor MacFarland made a motion to grant the land development waiver for 9 S. Park Avenue under the conditions listed in Mr. Woodrow's letter dated January 15. Supervisor Neights seconded the motion
  - (1) Calvin Carolina, Eagleville Road, had questions regarding the impact of the business. Mr. Wayland said this was a brand new business. He said he plans to initially create five to six jobs and, depending on how successful they are, that could increase to 12 to 20. He said they would not be providing food but would have space for the food truck on weekends.
  - (2) Mr. Ferraro, resident, asked if this is located in the Village Commercial District as there are provisions that may help the approval. Chairman Duffy said that it was not and was in the Ridge Pike Business District.

The motion *passed* 5-0.

B) Consideration of an ordinance amending the Zoning Ordinance with regard to the regulation of signs.

- i) Solicitor Rice reviewed the ordinance amendment. He said a committee was formed to review all the sign regulations in the Township to create detail, clarity, flexibility and consistency. He said there may be more tweaks down the road.
- ii) Supervisor Eckman noted that all existing signs are grandfathered in and no changes will need to be made. She said this ordinance will only affect new signs going forward.
- iii) Supervisor Neights asked if the term "Nit", used in the section regarding lanterns and lighting, could be defined in the ordinance.
- iv) Supervisor MacFarland said that in addition to the Montgomery County Planning Commission and Lower Providence Township Planning Commissions review, the ordinance was made available to the Lower Providence Business Association and their feedback was positive.

- v) **MOTION:** Supervisor MacFarland made a motion to approve the Ordinance No. 652 amending the Zoning Ordinance with regard to the regulation of signs. Supervisor Sorgini seconded the motion.
  - (1) David Maris, vice-president of the Lower Providence Township Association, said they were happy to review the ordinance and are very happy with the results. He said the business community appreciates the clarity of the ordinance.

The motion *passed* 5-0.
- C) Consideration of resolution approving the promulgation of the Emergency Operations Plan
  - i) Mr. Delamater reviewed the resolution and said that no changes have been made to the plan but they are required to re-adopt the plan every two years. He said that they do have plans to review and update the Emergency Operations Plan in 2018.
  - ii) **MOTION:** Supervisor Sorgini made a motion to adopt Resolution No. 18-08 approving the promulgation of the Emergency Operations Plan. Supervisor Eckman seconded the motion. The motion *passed* 5-0.
- D) Conditional Use hearing for 28 Eagleville Road.
  - i) Chairman Duffy stated that the court reporter has failed to show up and deferred the matter to Solicitor Rice. Solicitor Rice asked that, in lieu of a formal hearing, if the applicant could give an explanation of the proposal and allow the Township to waive granting the decision until the February 1 meeting where a court reporter would be present. He said that a written decision would not have been available until the February 1 meeting regardless of whether or not a court reporter was in attendance at this meeting. Su Creveling, on behalf of the applicant, agreed to the conditions.
  - ii) Ms. Creveling reviewed the plan for 28 Eagleville Road.
  - iii) Chairman Duffy asked about the employees on site. Ms. Creveling said that there would be approximately five employees who would be in and out of the site as needed.
  - iv) Supervisor Sorgini asked if there would be any machine operation at the site and if there would be issues with noise. Ms. Creveling said that there would not and that they would adhere to all Township regulations regarding noise.
  - v) Supervisor Eckman expressed concerns regarding the existing parking and asked if it would be modified. Ms. Creveling said that it would and there is room for the modification. Supervisor Eckman asked Mr. Woodrow if he had any parking issues to address. Mr. Woodrow said this property is in the Ridge Pike Business District and that the issue before the Board is whether or not this specific use, which is not explicitly named in the zoning, is similar enough to be permitted. If the Board decides it is permitted, the next step would be land development and that many issues, including parking, will be addressed at that time.
  - vi) Solicitor Rice said the questions are if the plan meets dimensional requirements, which it does and if, in terms of use, it is appropriate. Solicitor Rice reviewed the permitted uses and asked the Board to determine if the applicant's request is appropriate for the site. Ms. Creveling said the applicant does not have an issue waiting until February 1 for a decision.
  - vii) Chairman Duffy noted that HTC is not currently located in Lower Providence Township and this will bring a new business into the township.
- E) Personnel Policy update
  - i) Ms. Golas reviewed the policy saying this arose out of the Parks & Recreation Director desire to hire relatives of staff for temporary summer camp positions. She said a key provision of the update would be if two relatives are working within the same department,

one may not hold a supervisory position over another. She said the Township Manager will make the final determination in all hiring matters.

- ii) Chairman Duffy clarified the Township's nepotism policy.
- iii) Supervisor MacFarland clarified that the summer camp director wanted to hire relatives. Ms. Golas explained the potential hiring scenario saying that a member of Township staff could not directly hire a relative and that all hires are at the discretion of the Township Manager. Mr. Delamater clarified the Township's position regarding supervisory roles.
- iv) Supervisor Neights said that, from a pure policy standpoint, the update appears to weaken the stated purpose of the policy. He said he understand why it would be changed for this specific purpose but expressed concern that changing the overall policy would not be of benefit to the Township. Ms. Golas said she understands the concern and noted that the update does add an extra layer of accountability. Discussion was held regarding issues that could arise out of changing the nepotism policy.
- v) Supervisor MacFarland agreed that the language does change and broaden the policy and asked if it was a necessary change needed to fulfill camp positions. Ms. Golas said that it was not necessary but rather so that the Parks & Recreation Director could hire former counselor-in-training for a summer camp position.
- vi) Supervisor Neights asked if there was a way to give special dispensation for this specific scenario rather than changing the policy.
- vii) Chairman Duffy requested that the matter be tabled and that staff come up with a policy specific to the camp program rather than changing the policy for the entire Township. Ms. Golas said that creating a policy for camp positions would not be a problem.

F) Resolution supporting 537 Planning Module for 2601 Ridge Pike/Lidl.

- i) Mr. Mrozinski reviewed the resolution saying that Lidl has received their land development approval and are now working on outside permits and have been required to complete a full 537 planning module by the DEP. Mr. Mrozinski said that this has been reviewed by the County Health Department, the County Planning Commission and the regional and local Sewer Authorities and they are all in favor of allowing this. Mr. Mrozinski said this is an administrative process and the Township has submitted a stipulation stating that this meets zoning requirements so the DEP is aware that the Township has fully reviewed this as a land development plan.
- ii) **MOTION:** Supervisor MacFarland made a motion to approve Resolution No. 18-09 supporting 537 Planning Module for 2601 Ridge Pike/Lidl.
  - (1) Supervisor Neights asked how this impacted the sewer tap-ins. Mr. Woodrow reviewed the ACT 537 process.The motion *passed* 5-0.

G) Resolution supporting 537 Planning Module for 141 Appledale Road.

- i) Mr. Mrozinski reviewed the resolution saying it was a similar situation as item 3(F).
- ii) **MOTION:** Supervisor Neights made a motion to approve Resolution No. 18-10 supporting 537 Planning Module for 141 Appledale Road. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.

**4) Announcements**

- A) The Planning Commission meeting for January 24 has been cancelled.
- B) The Zoning Hearing Board will hold their reorganization meeting on January 26 at 7 p.m.

**5) Comments and Other Business**

- A) Supervisor Neights noted that he should have abstained from voting on the consent agenda items pertaining to the Board of Director's minutes for December 21, as he was not on the Board for that meeting. He said he should have also abstained from voting on Consent Agenda Item 1(c)(4) as he was not involved in those negotiations. Mr. Woodrow explained the background of the Shannondell security release
- B) Supervisor MacFarland reported that the Business Development Committee met and, in addition to ORGO, another craft brewery has applied for permits in the Township. He said that the Business Development Committee has plans for another open house for the general public, targeted for May, to discuss what is being planned in the Township. Supervisor MacFarland said that they will also hold smaller meetings with businesses and landowners in various parts of the Township to help support business growth. He reviewed business growth in the Township and said that LERTA, a tax relief program for distressed properties is now in the hands of the school board and they are optimistic for its approval.
- C) Don Delamater announced that the Township is switching to ReadyMontco for community and emergency notifications. He said that in order for Township residents to receive notifications they must sign-up with the new system even if they've been receiving notifications in the past. Mr. Delamater urged residents to sign-up for the notifications at [www.ReadyMontco.org](http://www.ReadyMontco.org). He said the more information about the new system can be found at the Township website ([www.lowerprovidence.org](http://www.lowerprovidence.org)) or by calling the Township. He said that any resident who needs help with the process should not hesitate in contacting the Township for assistance.

#### **6) Public Comment**

- A) Mitchell Sadar, resident, expressed concerns about gerrymandering. He encouraged the board to look at this issue carefully.
- B) George Weir, Shannondell Drive, stated he was in support of Fair Districts PA and does not believe gerrymandered districts are good for democracy. He urged the Board to adopt a resolution in support of Fair Districts PA.
- C) Betsy Decker, Shannondell Drive, stated she was very passionate about gerrymandering issues as well, stating it undermines the trust in our democratic process. She urged the Board to adopt a resolution to help resolve gerrymandering.
- D) Doris Screamen, Shannondell Drive, echoed concerns of the gerrymandering issue She expressed her concern that Pennsylvania is considered 48, 49, 50th out of states regarding the fairness of the basic governmental structure that is deciding the voting process. Ms. Screamen said that both political parties are responsible and should be held to a higher standard. She reported on a bipartisan petition generated in support of Fair Districts PA at Shannondell and beseeched the Board to work on the problem.
- E) Bob Goodman, Shannondell Drive, introduced a resolution in support of citizen's commission for legislative and congressional redistricting. He said that Fair Districts PA is non-partisan and operates under the auspices of League of Women Votes. He said they have been working with Senator Rafferty and Representative Michael Corr on this issue and that by adopting this resolution the Board of Supervisors can help the residents of Lower Providence Township. Mr. Goodman reported that the Board of Supervisors for Upper Providence had already passed the resolution, bringing the municipalities in Montgomery County who have passed the resolution to 14 with more in progress. He requested that the resolution be on the agenda for the February 1 meeting for a vote and requested the Board vote in favor of the resolution.
- F) Kelbin Carolina, Eagleville, asked, in regard to the nepotism policy discussion, if the summer camp jobs are advertised to the public to find qualified applicants. Ms. Golas said that they are

advertised on the Township website. Mr. Carolina also asked, in light of current headlines, if the Township feels the need to revisit their sexual harassment policies. Ms. Golas said that they are very proactive with regard to this issue. They have a policy in place and even though it is not required, the Township employees complete annual refresher training and are required to sign-off on that training. She said they take this very seriously and have procedures in place for reporting with layers of protection built into the policy. Mr. Carolina asked if there is a case of harassment is a non-disclosure agreement required or is that information public. Solicitor Rice said all settlement agreements would be part of the public record.

- G) Cara Coless, Collegeville PA, asked for clarification of the public notice posting requirements. Solicitor Rice said that, depending on the type of notice, the Township is required to advertise it for one day, seven days prior to the meeting. There are cases where the notice must be published twice. Ms. Coless asked why the Township only does the bare minimum for public notice when there are other venues available such as the Township website and the Facebook page. She said that it is 2018, with more modern means of communication available to inform the public and make the process more transparent and to let residents know what was going on. Ms. Coless asked about the summer camp hiring procedure and how it is advertised. Ms. Golas said that, per the collective bargaining agreement, all positions are advertised internally and then on the Township website. She said in order to reach out to underserved populations they will advertise with the NAACP; Al Dia, a Hispanic publication in Philadelphia; the Times Herald; or the unemployment office in order to reach a vast audience of applicants. Ms. Coless requested that the Business Development community meeting be held slightly later as 5 p.m. is difficult for residents who work.
- H) Supervisor Neights asked that if the Board is going to vote on ordinance if that notice is also advertised on the website or only in the newspaper. Mr. Delamater said that it is only advertised in the newspaper.
- I) Joe Ferrara, Pine Tree Drive, expressed his concerns about Fair Districts PA and, instead offered an alternative solution which would crowd source redistricting.

**7) Adjournment**

- A) **MOTION:** Supervisor Sorgini made a motion to adjourn the meeting. Supervisor MacFarland seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:10 p.m.

**Next Business Meeting:** February 1, 2018  
February 15, 2018