

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
FEBRUARY 1, 2018**

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

**Pledge of Allegiance**

**Moment of Silence for former Board of Supervisor member Rick Brown**

**Roll Call:**

- a. The following members were in attendance: Chairman Duffy, Supervisors Eckman, Sorgini, MacFarland and Neights, (via phone).
- b. Also in attendance were: John Rice, Township Solicitor; Don Delamater, Township Manager; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Tim Woodrow, Township Engineer; Geri Golas, Assistant Township Manager; John Primus, Director of Public Works; Stanley Turtle, Chief of Police; and Jennifer Reed, Student Representative
- c. **MOTION:** Supervisor Sorgini made a motion to set aside a page in the minutes for former Supervisor Rick Brown who passed away on January 27. Supervisor Eckman seconded the motion.
  - a. Board members expressed their appreciation and regard for Mr. Brown and his service to Lower Providence TownshipThe motion *passed* 5-0.

**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 January 18, 2018 into the record. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

**2) Presentation**

- A) Presentation to Matthew Kahn, a member of Boy Scout Troop 7155, recognizing his attainment of the rank of Eagle Scout.

**3) Old Business**

*Ms. Paula Meszaros was present to take a complete record of testimony*

A) Conditional Use Hearing for 28 Eagleville Road

- i) Solicitor Rice reviewed the Conditional Use Hearing.
- ii) Suzanne Creveling was sworn into testimony

(1) Ms. Creveling clarified her testimony from the January 18 meeting transcript. She said she felt like she made a correlation between HTC Operations being installed on the property and approval for the conditional use. She said the goal is to get the conditional use approved for the property rather than the specific use of HTC LLC operating on the property. Solicitor Rice clarified that HTC, LLC is the applicant. Ms. Creveling agreed but said that HTC, or another contractor, may operate on the property with the same stipulations as to use.

- (a) Supervisor MacFarland said that in the previous discussion Ms. Creveling discussed the business hours and the number of employees. He asked if HTC were not the operating business would all of the same conditions be met and be applied to another party. Ms. Creveling said that they would be met and be applied to another party. Supervisor MacFarland said that the application calls for normal business hours and

there is no traffic impact described for this unique property location. He said he was generally in favor of the application.

- (b) Supervisor Neights asked if the plan is for HTC to construct the building but possibly have another company operate the facility. Ms. Creveling said that was a possibility. Solicitor Rice clarified that HTC would construct the building but may sell or lease to another contractor. He asked if the site could possibly be utilized by more than one contractor. Ms. Creveling said that depends on the needs of the business but while there could be a partnered situation all of the controls will be the same.
  - (c) Supervisor Sorgini said that regardless of who constructs the facility, they will still have to come back to the board for land development approval.
  - (d) Chairman Duffy said that if HTC were to sell or lease the buildings they will make it clear to any lessee or purchaser that the conditional use application requires that the building be used as a contractor garage. Ms. Creveling agreed and said that would be made clear in any contract.
- (2) Ms. Creveling requested additional approval for the applicant to gravel a portion of the property for temporary storage of small equipment and trucks. She said that a portion of the property is already graveled and that the applicant has been put in a position, due to the sale of another property, of finding a temporary storage location for equipment. She said the temporary storage area would be approximately 65 x 66 feet. Solicitor Rice asked how long she envisions the storage to be necessary. Ms. Creveling said she would request a two-year time frame in order to have time to get through land development. She confirmed that if approved, they would immediately stone the area and begin equipment storage which would consist of trucks, bobcats, trailers etc. Solicitor Rice asked when would they be filing their land development application. Ms. Creveling said it would take them a few months to work through design. She said they could have the land development package ready by May 1.
- (a) Supervisor Eckman said she drove by the property earlier that day and there are already trailers on the property. Ms. Creveling said that they had to be moved to the property immediately due to the sale of the applicant's previous property. She said they would be pushed to the back of the property. Ms. Creveling said that they have crews waiting to deal with issues of the gravel on site and any potential mud issues.
- iii) Solicitor Rice outlined the steps for approval and how to deal with the request for temporary storage.
- (1) Supervisor Neights expressed concern that the hearing notice did not fully encompass the requests being made at this hearing. Solicitor Rice reviewed the hearing notice, and stated that they had no residents express concerns about this request. He did not feel that parking lot issue would affect the approval as there is currently a parking lot on the property and any changes to that is typically dealt with in land development.
  - (a) Chairman Duffy clarified that HTC is going to build the building and it will be a contractor shop. He said their job is to determine whether or not that shop should be a permitted use on the site.
  - (b) Discussion was held on how to approve and enforce the temporary storage request.
  - (c) Supervisor Eckman expressed concern that the applicant has already placed trailers on a property that they don't yet own. She asked for clarification on the timing of the purchase. Ms. Creveling said that they have spoken to the property owner who has given permission for the storage. Solicitor Rice said that he would like to see

something to that effect in writing from the property owner. Ms. Creveling said that they will be going to settlement on the property in the middle of March and will forward documentation to the Township stating that they have permission to store equipment on the property and the date of settlement.

- iv) Cara Coless, Windsor Drive, asked for clarification of the relationship between Gambone and HTC. She expressed concern that the storage of equipment on the site will not aesthetically enhance the appearance of that stretch of property. Rice said that storage would be limited to equipment and materials would be excluded.
- v) Joe Ferraro, Pine Tree Dr., expressed concern about what would happen to the stoned area should the sale of the property fall through. Solicitor Rice said that HTC was the equitable owner of the property and an enforcement condition would be in place to remove the stone should the deal fall through.
- vi) James Watters, Featherbed Lane, expressed concerns about a possible safety hazard with mud being dragged onto the street due to the storage of equipment on the site. Chairman Duffy said that Mr. Mrozinski and the enforcement staff would deal with any hazards created.

vii) Solicitor Rice closed the hearing

viii) Discussion was held as to whether the board should vote on the use and the conditions for placing the stone together or separately. Solicitor Rice stated that the approval should be conditioned upon an agreement that's acceptable to the Township that addresses what has been done on the property with regard to the stone parking lot and the terms and conditions of that stone parking lot.

ix) **MOTION:** Supervisor McFarland made a motion to approve the conditional use for 28 Eagleville Road subject to agreement by the applicant of the conditions which will be listed separately. Supervisor Sorgini seconded the motion.

(1) Supervisor Eckman said she is unclear as to what the stipulations will be and said she would have preferred to see them outlined before approval but understands the motion. Supervisor Sorgini said that approval will be stipulated upon the execution of an agreement satisfactory to the Township regarding the use of the stone and the terms of its usage. Solicitor Rice said that it would be circulated back to the Board before it's signed. Supervisor Neights said if the stone usage is not approved could equipment be parked on the property without further action from the board. Chairman Duffy said that it is private property and as long as no ordinances are violated the property owner can use the property as they see fit.

The motion *passed* 5-0.

(2) Ms. Creveling said she understood the conditions and said she looked forward to working with the Township's solicitor.

B) Consideration of Conditional Use request for 2830 W. Ridge Pike

- i) Solicitor Rice reviewed the Conditional Use request by Moon Day Spa, LLC. He reviewed his recommendation to deny the request. He said that, as Supervisor Sorgini was not at the meeting and Supervisor Neights was not on the Board, the decision would be up to Chairman Duffy and Supervisors MacFarland and Eckman.
- ii) **MOTION:** Supervisor Eckman made a motion to deny the Conditional Use Request for 2830 W. Ridge Pike for Moon Day Spa, LLC. Supervisor MacFarland seconded the motion. The motion passed 3-0-2 with Supervisors Sorgini and Neights abstaining.

#### 4) New Business

A) Consideration of Resolution 18-11, confirmation of deputy tax collector.

- i) Mr. Delamater reviewed the Resolution, stating that state law required the appointment of a deputy tax collector. The resolution appointed Patricia Gramm as deputy tax collector. Supervisor Duffy said that Ms. Gramm was currently the tax collector for Worcester Township and collects the other half of the Methacton School District taxes and is well qualified for the position.
- ii) **MOTION:** Supervisor Sorgini made a motion to approve Resolution 18-11. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

**5) Announcements**

- A) Chairman Duffy announced that prior to the January 18 meeting and prior to this evening's meeting an executive session was held regarding legal and real estate matters. He said the Board will return to executive session after the meeting to discuss personnel matters.
- B) The Sewer Authority Meeting will be held February 12 at 6 p.m.
- C) The Parks & Recreation Board Meeting will be held February 13 at 7 p.m.
- D) The Library Board will meet February 19 at 7 p.m.

**6) Comments and Other Business**

- A) Supervisor Neights said he received a petition from a business owner in Audubon Village Shopping Center regarding cut-through traffic. He asked what would be the proper forum to bring these concerns to the attention of the Township. Chief Stanley Turtle asked that he forward the information to him for the police department to review. He said that enforcement may be an issue due to it being private property. Chairman Duffy said the first step should be for the shop owners to discuss the issue with the landowner. Chief Turtle said he would look into the issue to determine if they have any recourse.
- B) Supervisor Sorgini thanked the principal, students and staff of Eagleville Elementary School as well as Township Emergency Services, Collegeville Bakery and Township staff that made a pep rally at Eagleville Elementary a success. He said it was a fun event and showcased the Township. He said that next year they hope to hold a larger pep rally in Eagleville.
- C) Supervisor MacFarland announced that the Business Development Committee will meet next week but in the interim he said there is a new business, The Fractured Prune, opening in Audubon Square shopping center.
- D) Jennifer Reed announced that the high school will be holding a Mini-thon event, which is a fundraiser for pediatric cancer. She said that last year the students raised \$55,000 for research and families affected by pediatric cancer. Ms. Reed said that this year their goal is \$45,000 and encouraged people to donate. She also announced that the Science Fair Team is working on their upcoming events and always place well in competitions.

**7) Public Comment**

- A) Bob Goodman, Shannondell, restated his position from the previous meeting where he presented a petition on behalf of 750 Shannondell residents regarding a resolution on gerrymandering. He said he had requested that the resolution be presented for a vote and questioned why that had not happened. Chairman Duffy said that it is an important issue and while the Board reviewed the resolution it is their position that they have no authority to approve the resolution, as there was no referendum or voter mandate. Mr. Goodman said that he understood but that the resolution was to be a show of support for the issue and to move it along at the state level. Discussion was held regarding the Township's authority regarding passing a resolution in support of a specific bill. Supervisor MacFarland and Eckman expressed concern that the resolution was in support of a specific bill and overstepped the Board's role. Supervisor Sorgini agreed with the seriousness

of the issue and expressed personal support but cautioned against the overreach of government and what they are charged to do in their role of Supervisors.

- B) Supervisor Neights said that looking at the data statistically, there's a lot of statistical power that says that the results at Shannondell extend to the entire township. He said it's safe to say if both sides could be statisticians on it, the township has 99 percent confidence that 60 to 85 percent of people are opposed to gerrymandering. That's very high, he said. The question in his mind is, he said, is this really a township issue. He said he received a letter that Mr. Goodman sent out with information on why this is a township issue. Supervisor Neights said the letter came out after the agenda was set so there was no way possible for it to go into this agenda, to his knowledge. After reading the points Mr. Goodman put together and thinking through this, Supervisor Neights said that he is unsure at this point whether it is a Township issue or not. He respectfully requested that Chairman Duffy consider whether it's something that should be discussed openly among the board in either a closed or open session.
- C) Laura Winslow, Tyson Mill Road, expressed her support for a public access to the Perkiomen Creek Trail to be made via a public parking lot being constructed at the site of the new sewer project in Upper Providence Township. She said that the neighbors in the area are also in support of this access and would like to see it added to the Township's plans for the site. Supervisor MacFarland, who is a member of the regional sewer authority, said that public access has been discussed but a formal discussion won't take place until the sewer line has been installed. Ms. Winslow said she understood but wanted to make the Board aware that the neighborhood approves of the access and is hopeful that the Board finds a way to make it happen.
- D) Joe Ferrero, Pine Tree Drive, asked what steps are necessary to put the flag at half-staff in honor of Mr. Brown. Chairman Duffy said he would ask the Township Manager to look into the issue but believed there to be specific flag policy as to what situations a flag can be lowered. Mr. Ferrero said he respects the Township's position regarding the gerrymandering resolution and expressed concerns about Senate Bill 22.
- E) James Watters, Featherbed Lane, expressed concerns regarding what he feels are dangerous phone and power line issues in the Township. He also discussed the flood gauge on the Collegeville Bridge and steps he has taken in order to ensure this is engaged. Mr. Watters said he would like to create a Rick Brown memorial trail behind the church to which they both belonged.
- F) Kathy Peters, Raymond Road expressed concern about gunshots behind the property on Raymond Road, stating that she and neighbors were afraid to go outside. She said she is not sure if hunting is legal but the gunshots appear to be very close to their homes. Chief Turtle asked if she or her neighbors had reported this to the police and, if not, recommended that they do so the police can determine if there is illegal activity. Ms. Peters said she would notify her neighbors to contact the police the next time they hear gunshots
- G) Jim Donohue, Arcola Road, said that the viewing for Mr. Brown will be held from 9 a.m. to 11 a.m. with an 11 a.m. service. He said that there will be considerable traffic and wanted to let the Township know so they could be prepared. Chairman Duffy said that the family has been in contact with the Township and the police will be offering assistance with traffic.

## 8) Adjournment

- A) **MOTION:** Supervisor Sorgini made a motion to adjourn the meeting. Supervisor Eckman seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:30 p.m.

# ***In Remembrance***

***This page is set-aside in remembrance of  
Richard T. Brown  
(1944 - 2018)***

Lower Providence Township Supervisor  
1982 - 1999  
2002 - 2003  
2006 - 2007  
2008 - 2013

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