

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
June 15, 2023**

Call to Order: Chair Coless called the hybrid live/virtual meeting to order at 7:06 p.m.

Pledge of Allegiance

Protocol for Hybrid Meetings: Chair Coless provided an overview of the protocols for public participation for members of the public attending the meeting virtually over Zoom.

Roll Call:

- a. The following members were in attendance: Chair Coless, Supervisors MacFarland, Neights and Sorgini. Vice Chair Darby was absent.
- b. Also in attendance were: E.J. Mentry, Township Manager; Lauren Gallagher, Township Solicitor; Michael Mrozinski, Community Development Director; Tim Woodrow, Township Engineer, Joe Chillano, Public Works Director; Jane Delaney, Parks and Recreation Director and Police Lt. William Hopkins.

Chair's Comments

Chair Coless announced that an Executive Session was held prior to the meeting on June 15, 2023 to discuss personnel and legal matters and contract negotiations.

Chair Coless said that the Board understood that there are a lot of questions and concerns regarding the proposed chicken/rooster ordinance. She thanked those who had taken the time to contact the Township to share their thoughts. She said the ordinance amendment is not on tonight's agenda for any action and staff has been directed to revise the language in the ordinance based on public input. The public hearing scheduled for July 20th will be canceled and rescheduled to either August or September after the ordinance has been revised and readvertised. Final adoption of the ordinance will occur after a public hearing. Those who would like to submit comments are asked to do so via email to admin@lowerprovidence.org. Public comment will also be heard at tonight's meeting.

Chair Coless stated that given the many attendees wishing to comment, the Public Comments section could be moved to the beginning of the meeting.

MOTION: Supervisor Sorgini made a motion to move the Public Comments section to the beginning of the meeting. Supervisor Neights seconded the motion.

- a. There was no public comment.
- b. The motion *passed* 4-0.

1) Courtesy of the Floor

- a. Patti Tabor – Township resident, spoke in opposition of the ordinance amendment.
- b. Matt Yost – Township resident, spoke in opposition of the ordinance amendment.
- c. Jennifer Dyson – Township resident, spoke in opposition to the ordinance amendment.
- d. Steve M. - Township resident, stated his issue is with the noise nuisance created by roosters.
- e. Bud Moyer – Township resident, spoke in opposition to the ordinance amendment.
- f. David Gannon - Township resident, reviewed the sections of the ordinance noting his objections.
- g. Justin Smith – Township resident, spoke in opposition to the ordinance amendment.
- h. Rebecca Catagnus – Township resident, spoke in opposition of the amendment.

- i. Anna Marie Musso – Township resident, spoke in opposition to the ordinance amendment.
- j. Joe Ferraro – Township resident, spoke in opposition to the ordinance amendment.
- k. Jennifer Maslow – Township resident, spoke in opposition to the ordinance amendment.
- l. James Walters – Non-resident, suggested keeping roosters in the dark until 8:00 a.m.
- m. Kat Dotzman – Township resident, spoke in opposition to the ordinance amendment as it pertains to hens and said the ordinance should address the noise issue caused by roosters.
- n. Christine McGrath – Township resident, spoke in opposition to the ordinance amendment.
- o. Lisa and Larry Denner – Township residents spoke in opposition to the ordinance amendment and asked that, if an ordinance is approved, current chicken owners be allowed to keep them.
- p. Mr. Dobler – Township resident, spoke in opposition to the ordinance amendment.
- q. Heather McDermontt – Township resident, spoke in opposition to the ordinance amendment.
- r. Katie Donnelly – Township resident, stated she believes this should just be a noise issue.

Chair's Comments continued

Chair Coless read a Juneteenth Freedom Day Proclamation.

2) Presentations

- A. Student representative report – Ash Jeyapratap noted that the 2022-2023 school year was completed on June 14th and graduation was held on June 13th at the Methacton High School football field. The event was streamed.
- B. Mr. Mentry and Ms. Delaney reported on “The Wall That Heals,” a traveling three-quarter scale of the Vietnam Memorial with a mobile Education Center. Upper Providence Township has been selected as a stop on the tour. The undertaking will require support and many volunteers as the wall will be open to visitors 24 hours daily during the fall stop. The Board will consider approval of a sponsorship donation at the July 20, 2023 meeting.
- C. 2022 Audit Report -Carl Hogan, BBD, LLP, township-appointed auditor, presented an overview of the 2022 Audit of the Township’s Financial Statements.

3) Consent Agenda

- A. **MOTION:** Supervisor MacFarland made a motion to approve consent agenda items 2a, 2b, and 2c, including moving the meeting minutes of June 1, 2023, into the record, accepting meeting minutes and department monthly reports, and ratifying payment of bills in the amount of \$387,332.33. Supervisor Sorgini seconded the motion.
 - a. There was no public comment.
 - b. The motion *passed* 4-0.

4) Old Business

- A. Consideration of Municipal Campus Master Plan Project Award
 - a. Mr. Mentry said two firms were selected as the finalists for the Municipal Campus Master Plan Project, Boyle Construction & MKSD and Kimmel Bogrette Architecture + Site.
 - b. **MOTION:** Supervisor Sorgini made a motion to award the project to Boyle Construction with the fee to be paid out of the Municipal Complex Fund, seconded by Supervisor Neights.
 - c. In response to Supervisor Neight’s questions, Mr. Mentry said his recommendation would be Boyle Construction & MKSD.
 - d. There was no public comment.
 - e. The motion *passed* 4-0.

5) New Business

A. Review of Minor Land Development – 3150 Ridge Pike/HTC

- a. Mr. Mrozinski reviewed the proposal from Lou Gambone of HTC to revise a previously approved, recorded, and partially constructed development plan for a contractor's office on the vacant parcel at 3150 Ridge Pike. Construction of the contractor's office received conditional use approval last year.
- b. Applicant Lou Gambone and Attorney Michael Clement were in attendance and answered questions from the board.
- c. Solicitor Gallagher confirmed that the architectural enhancements contained in the application are to be implemented as part of the conditional use approval. Mr. Gambone stated the entire front façade facing Ridge Pike would have stone with vertical siding on the gable end; the side facing Eaglestream Drive would be stone and siding. These enhancements will be added in the approval resolution as a condition of land development.

B. Review of Minor Lane Development – DFD Properties/3848 Germantown Pike

- a. Mike Mrozinski reviewed the proposal from DFD Properties, 3848 Germantown Pike to add an addition to an existing maintenance garage. Previous approval had been received for a lot line change and zoning relief.
- b. Mr. DiGinto was in attendance for questions regarding the di minimis land development.

C. Authorization to advertise Zoning Ordinance Amendment – Mixed-Use Overlay

- a. Solicitor Gallagher said an ordinance amendment has been prepared to clarify the Township's intent with regard to the Mixed-Use Overlay (MUO), confirming that the use regulations of the MUO are mandatory. MUO will be renamed a zoning sector rather than an overlay.
- b. **MOTION:** Supervisor Neights made a motion, seconded by Supervisor Sorgini, to authorize advertisement of the Zoning Ordinance Amendment – Mixed-Use Overlay.
- c. There was no public comment.
- d. The motion *passed* 4-0.

D. Authorization to Dispose of Assets at Auction

- a. Mr. Mentry said that several old vehicles and equipment will be sold at auction, pending board approval. He said this is the second time this year this is being done.
- b. **MOTION:** Supervisor MacFarland made a motion to authorize to dispose of assets at auction. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion *passed* 4-0.

E. Consideration of Montgomery County Consortium Fuel Contract Participation

- a. Mr. Mentry said this is done every year and is one of four bids handled by the Montgomery County Consortium. The fuel bid was completed by Upper Merion Township and this year was awarded to Petroleum Traders Corporation of Fort Wayne, Indiana.
- b. **MOTION:** Supervisor Sorgini made a motion, seconded by Supervisor Neights, to participate in the consortium fuel contract.
- c. There was no public comment.
- d. The motion *passed* 4-0.

F. Authorization to Purchase Wheel Loader

- a. Mr. Mentry said the loader is included in the five-year capital plan and the 2024 budget. Staff is seeking preauthorization because of the continued time lag in receiving orders.
- b. It was confirmed that the price is subject to increase, under the COSTARS contract.

- c. **MOTION:** Supervisor Sorgini made a motion to Approve purchase of the wheel loader. Supervisor MacFarland seconded the motion.
- d. There was no public comment.
- e. The motion *passed* 4-0.

G. Approval of Purchase of Light Towers

- a. Mr. Mentry explained that staff is requesting the purchase of two more light towers this year in addition to the two that were already purchased, instead of waiting until next year. He said it is recommended to use ARPA funds and noted that the Township has received substantial unanticipated interest funds.
- b. **MOTION:** Supervisor MacFarland made a motion to approve the purchase of two light towers. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion *passed* 4-0.

H. Approval of Purchase of Enhancements for Utility Task Vehicle

- a. Mr. Mentry said the request includes enclosure of the vehicle and the addition of heat and a snowplow blade. The UTV was purchased earlier in the year and the enhancements will allow for year-round use and extend the life of the cab.
- b. **MOTION:** Supervisor Sorgini made a motion to approve the enhancements to the UTV, seconded by Supervisor Neights.
- c. There was no public comment.
- d. The motion *passed* 4-0.

6) Fund Transfer and Budget Adjustments

- a. Mr. Mentry explained that the first two budget adjustments cover the fund transfers associated with the light tower and UTV enhancement purchases. The third budget adjustment is for the footbridge at the MARA complex which was originally budgeted for 2022, but was completed this year.
 - (1) Resolution 2023-27 - Light Tower Fund Transfer and Budget Adjustment (*associated with agenda item 4.g.*)
 - (2) Resolution 2023-28 – UTV Enhancement Fund Transfer and Budget Adjustment (*associated with agenda item 4.h.*)
 - (3) MARA Footbridge Budget Adjustment
- b. **Motion:** Supervisor Sorgini made a motion to approve Resolution 2023-27, Resolution 2023-28 and the MARA footbridge budget adjustment, seconded by Supervisor Neights.
- c. There was no public comment.
- d. The motion *passed* 4-0.

7) Announcements/Meetings

- Library Board - June 19 at 7:00 p.m.
- Parks & Recreation Board - June 20 at 7:00 p.m.
- Zoning Hearing Board - June 22 at 7:00 p.m.
- Environmental Advisory Council - June 26 at 7:00 p.m.
- Planning Commission - June 28 at 7:00 p.m.

8) Comments and Other Business

- Supervisor Sorgini announced that the Sewer Authority had passed their 2023-2024 budget. He addressed recent news items concerning the sale of municipal sewer authorities and stated that local control keeps the rates lower. He noted that the Sewer Authority's improvement project is continuing.

- Supervisor Neights said the comments on the proposed ordinance were a healthy part of democracy.
- Supervisor MacFarland noted that he is on the Regional Sewer Authority and that the average daily flow is 8.2 million gallons of sewage and the plant is at about 60 percent of capacity. He said that Evansburg Vineyard celebrated their second anniversary and they have done a tremendous job.
- Chair Coless announced that the July 4th Celebration is on the fourth with a rain date of July 5th.

9) Adjournment

a. MOTION: Supervisor Neights made a motion to adjourn, seconded by Supervisor Sorgini. The motion passed 4-0. The meeting adjourned at 9:35 p.m.

Next Business Meetings: July 20, 2023 (*Only one meeting in July and August*)
 August 17, 2023