

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
July 20, 2023**

Call to Order: Chair Coless called the hybrid live/virtual meeting to order at 7:05 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, Vice Chair Darby, and Supervisor MacFarland. Supervisors Neights and Sorgini were absent.
- b. Also in attendance were: E.J. Mentry, Township Manager; Michael Clarke, Township Solicitor; Michael Mrozinski, Community Development Director; Tim Woodrow, Township Engineer; Michael Rohlfig, Fire Marshal / Emergency Management Coordinator; Mike Jackson, Chief of Police, and Ash Jeyapratap, Student Representative.

Chair's Comments

Chair Coless announced that an Executive Session was held prior to the meeting on July 20, 2023 to discuss personnel and legal matters and contract negotiations

Chair Coless read a Parks and Recreation Month Proclamation.

1) Presentations

- A. Student Representative Ash Jeyapratap reported on the following: Methacton High School students' involvement with the Township's summer camp; students' trip abroad to Spain; summer work and schedules for the upcoming school year, and "Destination High School," an orientation program for new students involving student ambassadors and counselors. Ash, who was attending his final meeting as student representative, thanked the supervisors, Mr. Mentry and Denise Walsh.
- B. Lower Providence Police Department Commendations – Officer Melanie Faddis, Cpl. Robert Heim and Officer Andrew Millard received commendations recognizing their teamwork, decisive actions and professionalism that led to a safe resolution and de-escalation of an incident involving an uncooperative individual armed with a pocketknife.

2) 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 15, 2023, into the record, accepting meeting minutes and department monthly reports, ratifying payment of bills in the amount of \$1,014,387.46, and approving escrow release #6 for Whitetail Ridge Estates in the amount of \$48,221.38. Vice Chair Darby seconded the motion.
 - a. There was no public comment.
 - b. The motion *passed* 3-0.

3) Old Business

- A. Review and Discussion of Final Land Development Plan, 420 Church Road

- a. Mr. Mrozinski said the Board would be reviewing the final plans for the Village at Eskie Park subdivision. The plan received preliminary approval in September.
 - b. Developer Tony Branca, engineer Joe Estock, and attorney Eric Frey were in attendance.
 - c. Mr. Frey noted the plan had been reviewed previously by staff and the Board and that outside agency approvals had been received or were expected in the near future.
 - d. Mr. Branca addressed staff's recommendation to use the street name "Sky Circle" as an extension of the existing Sky Drive and to not use the name "Village at Eskie Park" to avoid confusion with the existing park. Mr. Branca said his granddaughter is the namesake for his preferred street name, "Bella's Way." He said he believes that "Village at Eskie Park" brings positive attention and speaks to the connection with the park.
 - e. There was discussion about what pedestrian controls the Township would like included. Mr. Frey will speak with the traffic Township Engineer.
 - f. There was discussion about the trail connection and possible future ownership by the Township of a small piece of open space.
 - g. Fire Marshal Rohlfing said that a final decision on the street name should wait until there is confirmation from Montgomery County 911 of no duplication.
 - h. Kathie Eskie, Township resident, commented that she is thrilled Mr. Branca wants to continue to honor her husband (*Eskie Park is named for former Township official Charles Eskie*) and that the development name will allow more people to know about the park.
 - i. Mr. Mentry said that an approval resolution would be prepared for consideration at the August 17 meeting.
- B. Consideration of Resolution 2023-29 Approving Minor Land Development for 3150 Ridge.
- a. Mr. Mentry said the applicant had been before the Board last month and several times over the past year. Conditional use approval for the property had been received for an office and contractor's shop for indoor storage. One of the conditions of the approval was to bring an amended final land development plan before the Board. The amended final plan was discussed at the Board's June 15 meeting.
 - b. **MOTION:** Supervisor MacFarland made a motion to approve Resolution 2023-29 approving the amended land development plan for 3130 Ridge Pike. Vice Chair Darby seconded the motion.
 - c. There was no public comment.
 - d. The motion *passed* 3-0.
- C. Consideration of Resolution 2023-30 Approving the Minor Land Development Plan for 3848 Germantown Pike
- a. Mr. Mentry said the plan had been reviewed at the Board's June 15 meeting and involves an addition to an existing maintenance garage. The property owner had received land approval in 2020 and relief from the Zoning Hearing Board for the garage expansion in May. The application was deemed a de minimus land development and noted the resolution more closely reflects those that would be done for a waiver of land development.
 - b. **MOTION:** Supervisor MacFarland made a motion to approved Resolution 2023-30, seconded by Vice Chair Darby.
 - c. There was no public comment.
 - d. The motion *passed* 3-0
- D. Discussion of an Ordinance Regulating the Keeping of Chickens
- a. Chair Coless said the proposed ordinance had been revised based on feedback which had been received. She said the first draft had been modeled on an existing local ordinance and came out of a question and a need from the community.

- b. Supervisor MacFarland welcomed comments and suggestions. He noted that residents had a problem and asked for the Township's help with a rooster issue. He said it is a noise issue that is difficult to legislate and the proposed ordinance doesn't address the problem.
- c. Lisa and Larry Denner – Township residents, commended the Board for listening and willingness to work with chicken owners. They said they had issues with several restrictions in the revised ordinance and that a grandfather clause for current chicken owners should be considered.
- d. Laura Winslow – Township resident, said she understands the rooster issue but said the ordinance does not address the issue and spoke in opposition to it.
- e. Bud Moyer – Township resident, applauded the Board for revising the ordinance, but spoke in opposition to the revised draft.
- f. Jennifer Geise - Township resident, spoke in opposition to the ordinance and in favor of scrapping the ordinance.
- g. Matt Geise – Township resident, spoke in opposition to the ordinance and in favor of scrapping the ordinance. He said the issue should be treated as a noise complaint.
- h. Larah Kornfeind, Township resident, spoke in opposition to the ordinance.
- i. Tammy Howard – Township resident, spoke in opposition to the ordinance and said it should be treated as a noise issue.
- j. Jennifer Reimenschneider – Township resident, said she appreciated chicken owners, but said there can be issues with sanitation, excessive noise and animal welfare conditions that need to be addressed.
- k. Tony Coppa – Township resident, said he sympathizes with noise from roosters but the issue could be addressed by the noise ordinance and opposes the proposed ordinance.
- l. Joe Ferraro – Township resident, spoke in opposition to the ordinance and favors scrapping it.
- m. James Smith – Township resident, spoke in opposition to the ordinance and favors scrapping it.
- n. Katie Donnelly – Township resident, said it should be treated as a noise issue and favors scrapping the ordinance.
- o. Anita Jarkowski – Township resident, spoke in opposition to the ordinance.
- p. Cheryl Kelly – Township resident, favors scrapping the ordinance and dealing with roosters as a noise issue.
- q. Steve B. – Township resident, spoke to the restrictions, including time limits, in the ordinance.
- r. Mark Kelly – Township resident, spoke in opposition to the ordinance and favors treating it as a noise and sanitation issue.
- s. Guy C. – Township resident, spoke in opposition to the ordinance and favors treating it as a noise and sanitation issue.
- t. Kier Maloney – Township resident, spoke in opposition to the ordinance and favors treating it as a noise issue.
- u. Jim Kenney – Township resident, spoke in opposition to the ordinance.
- v. Jessica Bradbury – Township resident, spoke in opposition to the ordinance and said the noise ordinance should be enforced.
- w. Janet Manuel – Township resident, favors scrapping the ordinance and treating the roosters as a noise issue.
- x. Samanta Sheppard – Township resident, spoke in opposition to the ordinance.
- y. Vice Chair Darby and Supervisor MacFarland thanked everyone for their input.

- z. Chair Coless discussed noise versus nuisance regulations, sanitation regulations and voluntary mediation.
- aa. Solicitor Clarke said that it is challenging to enforce the noise ordinance and discussed unreasonable noise.

4) New Business

A. Consideration of Request for Extension of Land Development Waiver for Metropolitan Veterinary Associates

- a. Mr. Mrozinski said Metropolitan Veterinary Associates, 2626 Van Buren Avenue, had received a 5-year waiver in 2017 for a trailer on the property housing diagnostic imaging.
- b. John DeBiasio of Metropolitan Veterinary Associates said the trailer is being used permanently because there is no room inside their facility for the MRI unit.
- c. **MOTION:** Supervisor MacFarland made a motion to authorize a five-year extension to the waiver. Vice Chair Darby seconded the motion.
- d. There was no public comment.
- e. The motion *passed* 3-0.

B. Approval of Resolution 2023-31 Adopting the Montgomery County 2022 Hazard Mitigation Plan

- a. Mr. Rohlfing said the plan is driven by FEMA (Federal Emergency Management Agency) and adopted by PEMA (Pennsylvania Emergency Management Agency). Adoption allows the Township to pursue grant funding and apply for emergency funding. He confirmed that there is no cost associated with adoption.
- b. **MOTION:** Supervisor MacFarland made a motion, seconded by Vice Chair Darby, to approve Resolution 2023-31.
- c. There was no public comment.
- d. The motion *passed* 3-0.

C. Approval of Resolution 2023-32 Adopting Updated Township Emergency Operations Plan

- a. Mr. Rohlfing noted the plan is in conjunction with the Radiological Emergency Response Plan and the Notification and Resource Manual. The EOP outlines chain of command, hazard mitigation, and allows for expedited funding opportunities.
- b. There was discussion about Hurricane Ida response, community assistance and correspondence to residents within floodplains.
- c. **MOTION:** Supervisor MacFarland made a motion to approve Resolution 2023-32, seconded by Vice Chair Darby.
- d. Laura Winslow, Township resident, asked about Township correspondence regarding floodplains.
- e. The motion *passed* 3-0.

D. Approval of Final Escrow Release and Acceptance of Maintenance Security for Courts at Brynwood

- a. Mr. Mrozinski said the townhome community has been completed and public improvements have been inspected and approved. Mr. Woodrow noted that it is a private community and that the only public component being accepted at dedication is the sanitary sewer system through the Sewer Authority.
- b. **MOTION:** Supervisor MacFarland made a motion to approve release of the final escrow for the Courts at Brynwood and acceptance of the maintenance security. Vice Chair Darby seconded the motion.
- c. There was no public comment.
- d. The motion *passed* 3-0.

E. Approval of Partnership with Sewer Authority for Pipe Replacement

- a. Mr. Mentry said the Township Sewer Authority is planning a project in the Trooper section of the Township that involves replacing the sanitary sewer main. It was discovered that there is Township storm sewer that needs to be moved in order to complete the project. He said it is an area with some of the oldest storm sewer and it is an opportunity to replace aging infrastructure at a cost saving by partnering with the Sewer Authority. Initially, approval to partner with the Sewer Authority is being sought, having their engineer complete design and bid specs. Mr. Mentry said once the bids are received, the board's approval on the Township's portion would be sought.
- b. **MOTION:** Supervisor MacFarland made a motion to authorize the Township Sewer Authority to finalize the bid and bid documents for the pipe replacement project. Vice Chair Darby seconded the motion.
- c. There was no public comment.
- d. The motion *passed* 3-0.

F. Consideration of Resolution 2023-33 Approving Investment and Transfer of Funds

- a. Mr. Mentry explained that the funds are being transferred to take advantage of higher interest rates: \$1,271,000 is being moved from TD Bank to PLGIT PRIME and \$267,000 is being moved from WSFS Bank to PLGIT PRIME.
- b. **MOTION:** Supervisor MacFarland made a motion to approve transfer of funds, seconded by Vice Chair Darby.
- c. There was no public comment.
- d. The motion *passed* 3-0.

G. Approval of Sponsorship for "The Wall That Heals"

- a. Mr. Mentry explained that Upper Providence Township has been selected as one of the sites to host the traveling replica of the Vietnam Veterans Memorial. Supervisor MacFarland noted it is a considerable undertaking at a significant cost and will be an important event for veterans in the area.
- b. **MOTION:** Supervisor MacFarland made a motion to contribute \$5000 to the Upper Providence Wall That Heals Committee, seconded by Vice Chair Darby.
- c. There was no public comment.
- d. The motion *passed* 3-0.

H. Approval of Tree Proposal

- a. Mr. Mentry said that 13 high-priority dead ash trees in Hoy Park have been identified for removal because they pose a safety and liability issue. Three quotes were solicited; the lowest proposal received was from Pell Tree Company at \$7,475. He said the work may possibly qualify for a safety/risk control grant.
- b. Vice Chair Darby asked about stump removal.
- c. **MOTION:** Supervisor MacFarland made a motion to approve the Pell Tree Co. proposal for tree removal in Hoy Park. Chair Coless seconded the motion.
- d. Laura Winslow, Township resident, discussed leaving the stumps, creating a mulch pile and notifying the Environmental Advisory Council.
- e. Joe Ferraro, Township resident, asked about tree sculptures.
- f. The motion *passed* 3-0.

5) **Announcements/Meetings**

- Concerts in the Park, 6 pm in Eagleville Park: Sunday, July 23 "Brass Pocket Band" and Sunday, Aug. 20 "Elastic Karma Band"
- Planning Commission: July 26 at 7:00 p.m.

- Zoning Hearing Board – July 27 at 7:00 p.m.
- Sewer Authority – August 14 at 4:30 p.m.
- The Township and the Parks & Recreation Department want to express our appreciation to the CEO and 70 employees of Infinite Blue, a software company located in the Township’s Park Pointe business park in Audubon. They volunteered their time to help clean up many parks in the township on Tuesday. The areas they helped beautify were Eagleville, Eskie and Hoy Parks. The volunteers completed a lot of work in just one afternoon as they painted, planted flowers, mulched, and wiped down many tables. A special “Thank You” to CEO Frank Schultz and Karen Loomis, Chief of Staff, for reaching out to the Parks and Recreation Department and making this opportunity possible.

6) Comments and Other Business

- Vice Chair Darby announced that the Parks and Recreation Department and Board are planning for the Oct. 7 Fall Festival. Vendors and crafters are invited to reserve spaces. She said the Township is looking for volunteers for the Human Relations Commission.
- Chair Coless said that one of the Board’s goals, the campus master plan feasibility study, has just kicked off. She suggested a summary of the status of all goals be added to either the August or September Board agenda.
- Mr. Mentry said a Notice to Proceed had been issued to the contractor, Alan Myers, for the Park Ave./Eagleville Rd./Crawford Rd. intersection project. Work is anticipated to start on or about August 15. Initial work will be tree clearing and utility coordination.

7) Courtesy of the Floor

- Joe Ferraro, Township resident, spoke about cameras with date/time stamps being used for noise complaints, commented on those who did not attend the meeting, and asked about Dr. Darby’s thoughts on the proposed ordinance.
- Laura Winslow, Township resident, spoke about pet neglect, noise and nuisance smell complaints, and possible addition of bat houses to Hoy Park. She asked about the FEMA demolition grants related to Hurricane Ida.
- Vice Chair Darby said the goal with the proposed ordinance is to maintain the quality of life and balance the interests of individuals with those of the community. She said she will work with her colleagues to that goal.

8) Adjournment

- a. **MOTION:** Motion to adjourn *passed* 3-0. The meeting adjourned at 9:55 p.m.

Next Business Meetings: August 17, 2023
 September 7, 2023