

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
August 17, 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, Supervisors MacFarland (via Zoom), Neights and Sorgini.
- b. Also in attendance were: E.J. Mentry, Township Manager; Lauren Gallagher, Township Solicitor; Michael Mrozinski, Community Development Director; Rich Lafiata, Finance Director; Joe Chillano, Public Works Director; Police Lt. Bill Hopkins; Tim Woodrow, Township Engineer; Casey Moore, Township Traffic Engineer; and Kaitlyn Phan, Student Representative.

Chair's Comments

Chair Coless announced that an Executive Session was held prior to the meeting on August 17, 2023 to discuss personnel and legal matters and contract negotiations. The Board also adjourned to executive session at the conclusion of the July 20, 2023 meeting to discuss legal matters.

Chair Coless read a statement regarding the proposed chicken ordinance: Based on the feedback at the July 20th Board of Supervisors meeting, and after further discussion and deliberation with Township staff, the Board has decided to withdraw the draft chicken/rooster ordinance from consideration. The Board has directed staff to instead draft an amendment to the Township's nuisance ordinance to address nuisance animals. There is no timetable for when this ordinance will be ready, but updates will continue to be posted to the Township website. The Board would like to thank the public for their input and participation throughout this process.

1) Presentations

- A. Student Representative Kaitlyn Phan reported on the following: Methacton High School and Arcola Intermediate School orientations; changes to the high school food service, including color-coded menus and the addition of a coffee bar - the Windy Hill Café; summer reading requirements; and the start of school on August 29. Kaitlyn, who was attending her final meeting as student representative, thanked the supervisors for the opportunity.
- B. Lower Providence Fire Department Annual Update – Chief James Lentz
- C. Lower Providence EMS Annual Update – Executive Director Brian Kuklinski and Chief of Operations Christopher Reynolds
- D. Six-month financial review – Finance Director Rich Lafiata

2) Consent Agenda

- A. **MOTION:** Supervisor Neights made a motion to approve consent agenda items 2a, 2b, and 2c, including moving the meeting minutes of July 20, 2023, into the record, accepting meeting minutes and department monthly reports, ratifying payment of bills in the amount of

\$1,594,901.83, and approving escrow release #3 for Moscariello at Crosskeys in the amount of \$137,910.95. Supervisor Sorgini seconded the motion.

- a. There was no public comment.
- b. The motion *passed* 5-0.

3) Public Hearing – Mixed-Use Overlay Zoning Ordinance Amendment

- A. Solicitor Gallagher explained that the ordinance was drafted to clarify provisions related to the IP zoning district and the establishment of the mixed-use and office technology campus sectors. Prior language had indicated that the mixed-use sector was an overlay. The proposed amendment clarifies that the sectors are mandatory, not optional provisions.
- B. **MOTION:** Supervisor Sorgini made a motion to open the public hearing, seconded by Vice Chair Darby. The motion *passed* 5-0.
- C. There was no public comment.
- D. Solicitor Gallagher said the ordinance makes the change from an overlay to a sector. She explained that an overlay is optional, while a sector is a miniature district within a larger zoning district. It was noted that the amendment clarifies contradicting existing language.
- E. **MOTION:** Supervisor Neights, seconded by Vice Chair Darby, made a motion to close the public hearing. The motion *passed* 5-0.
- F. **MOTION:** Supervisors Neights made a motion to adopt Ordinance 678, seconded by Supervisor Sorgini.
- G. There was no public comment.
- H. The motion *passed* 5-0.

4) Old Business

- A. Consideration of Resolution 2023-34 Approving Final Land Development Plan, 420 Church Road
 - a. Solicitor Gallagher said that the resolution for the final plan includes all updated plan sets and reaffirms all previously granted waivers and conditions for the plan which received preliminary approval in September.
 - b. In response to a question from Supervisors Neights, Mr. Woodrow confirmed that the sidewalks and trail in the center of the development and going back to Eskie Park are five feet in width.
 - c. **MOTION:** Supervisors MacFarland, seconded by Supervisor Sorgini, made a motion to approve Resolution 2023-34 approving the final land development plan for 420 Church Road.
 - d. There was no public comment.
 - e. The motion *passed* 5-0.
- B. Consideration of Resolution 2023-35 Approving Sewer Module for 420 Church Road Subdivision
 - a. Mr. Woodrow said that under Act 537, the Township imposed an obligation on the developer to secure sewer planning approval from the PA Department of Environmental Protection (DEP). Because the Lower Providence Township Sewer Authority is in the process of removing inflow and infiltration (I & I) from the Township system, the development project does not qualify for an exemption and a full planning module application is required. The application process has been completed and the resolution is the mechanism to submit the module to PADEP.
 - b. Supervisor Sorgini noted that the Sewer Authority has been removing I & I for many years and continues to do so. He is hopeful the restrictions will be removed in the very near future.

- c. **MOTION:** Supervisor Sorgini made a motion to approve Resolution 2023-35, seconded by Supervisors Neights.
- d. There was no public comment.
- e. The motion *passed* 5-0.

5) New Business

A. Encompass Health Sketch Plan Presentation

- a. Mr. Mrozinski explained that Encompass Health proposes construction of a new 80-bed, one-story rehabilitation hospital in two phases at 2660 Audubon Road in the Light Industrial (LI) zoning district. The concept was presented to the Planning Commission with feedback from neighbors. The hospital will provide care for those recovering from surgeries and other medical treatment, but not substance abuse disorder. The use is a permitted use.
- b. Bill Moldovan represented Encompass Health to provide an overview of the project.
- c. There was discussion regarding stream relocation, stormwater management, trail and pedestrian connectivity, driveway placement and buffering from surrounding neighbors.
- d. It was clarified that Encompass Health will be submitting a Zoning Hearing Board application, concurrently with the land development application, addressing relief from the riparian buffer overlay zone ordinance requirements.
- e. Lisa Zieske, Township resident, asked if a rendering showing the view from Rittenhouse Road and Elysia Lane could be provided.
- f. Robert Zieske, Township resident, asked about what Elysia Lane neighbors will see, how the building will be situated, and lighting impact.
- g. Regina Wilkes, Township resident, asked about placement of generators, transformers and trash bins.

B. Approval of Emergency Storm Sewer Repair – Highley Road Dam Culvert

- a. Mr. Mentry said it had been discovered that an old stone wall surrounding a storm sewer pipe that exits an earthen dam is leaning and needs to be replaced.
- b. Mr. Chillano said pricing for repairs, including materials and labor, would be approximately \$50,000 utilizing the current equipment rental contract and funds budgeted for emergencies.
- c. *Supervisor MacFarland left the meeting at this point.*
- d. **MOTION:** Supervisor Neights made a motion to approve the emergency storm sewer repair, seconded by Supervisor Sorgini.
- e. There was no public comment.
- f. The motion *passed* 4-0.

C. Approval of Pipe Lining Project

- a. Mr. Mentry and Mr. Chillano said the budget includes funding for pipe lining projects on Elizabeth Drive, Teakwood Terrace and Sunnyside Avenue. The cured-in-place lining process to be used eliminates digging, is less intrusive and is cost-effective. Pricing was received from two Costars-approved contractors; SWERP was the lowest at \$120,300.
- b. **MOTION:** Supervisor Neights, seconded by Supervisor Sorgini, made a motion to approve the pipe lining project.
- c. There was no public comment.
- d. The motion *passed* 4-0.

D. Approval of McMahon Proposal for Act 209 Roadway Sufficiency Analysis Study and Transportation Capital Improvement Plan

- a. Mr. Moore said the Township had completed two previous Act 209 studies in 2001 and 2009. The new study would take into account development and roadway improvements

since the last study and future improvements. The necessary first step would be the completion of a Land Use Assumptions Report which, under the proposal, would be completed by David C. Babbitt & Associates.

- b. Mr. Babbitt explained that the Land Use Assumptions report, which is required by the Municipalities Planning Code, would project the type and scope of development to occur over the next 10 years. The study would then be used by the transportation engineer to determine the traffic impact and the projected cost of improvements to accommodate the traffic, leading to the traffic impact fee.
- c. Mr. Moore estimated a timeframe for completion of no less than nine months, closer to a year, including public meetings. The result will be a capital improvement program and new impact fee for physical transportation improvements and multi-modal improvements.
- d. Chair Coless expressed concern about the impact on the budget and that there were no other proposals.
- e. Mr. Mentry asked about the possible impact of the zoning ordinance update that is underway on the land use assumptions report.
- f. **MOTION:** Chair Coless made a motion to table the item. There was no second.
- g. **MOTION:** Supervisor Neights made a motion to approve the proposal from McMahon for the Act 209 study. Supervisor Sorgini seconded the motion.
- h. There was no public comment.
- i. The motion *passed* 3-1 with Chair Coless opposed.

E. Approval of IT Vendor Contract

- a. Mr. Mentry said that at the Board's request staff had looked at IT vendors and is recommending Help Now.
- b. Dan DiGregorio and Josh Cook of Help Now (via Zoom) confirmed that initially the existing IT footprint would be maintained. Backup and disaster recovery was discussed.
- c. Mr. Lafiata said that two package options are available, an unlimited and an hourly package.
- d. **MOTION:** Supervisor Neights made a motion to approve the hourly package contract with Help Now, seconded by Supervisor Sorgini.
- e. Dan Bronstein of Applied Computer Solutions, the Township's current IT vendor, spoke about his service to the Township.
- f. The motion *passed* 4-0.

F. Appointment of Student Representatives to the Board of Supervisors

- a. Mr. Mentry said applications had been received from Methacton High School students Matthew Chung, Victoria Fan and Mina Liu and he is recommending their appointment.
- b. Supervisor Sorgini made a motion to make the appointments, noting that one of his proudest accomplishments on the Board was starting the student representative program. The motion was seconded by Supervisor Neights.
- c. There was no public comment.
- d. The motion *passed* 4-0.

G. Consideration of LPFD request for waiver of permit fees.

- a. Mr. Mentry said the Lower Providence Fire Department has requested waiver of permit fees for its building renovation project at the main station. The fees are anticipated to be over \$250 requiring Board approval.
- b. Supervisor Neights made a motion to approve the permit fee waiver for the Fire Department, seconded by Supervisor Sorgini.
- c. There was no public comment.
- d. The motion *passed* 4-0.

6) Announcements/Meetings

- Planning Commission - August 23 at 7:00 p.m.
- Zoning Hearing Board – August 24 at 7:00 p.m.

7) Comments and Other Business

- Supervisor Sorgini said the library board meeting will be held Aug 21 and the library’s “Taste of Lower Providence” fundraiser will be held September 23.
- Supervisor Neights said the Environmental Advisory Council is working on modifications to the Township’s sustainability resolution.
- Chair Coless said the Business Development Committee is updating its goals and mission statement.

8) Courtesy of the Floor

- No public comment.

9) Adjournment

- a. **MOTION:** Vice Chair Darby, seconded by Supervisor Neights, made a motion to adjourn. The motion *passed* 4-0. The meeting adjourned at 10:13 p.m.

Next Business Meetings: **September 7, 2023**
 September 21, 2013