

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
December 6, 2023**

Call to Order: Vice Chair Darby called the hybrid live/virtual meeting to order at 7:00 p.m.

Pledge of Allegiance

Vice Chair Darby made the following announcement:

It is with sadness that we announce the death of retired Lower Providence Township Chief of Police Ed McDade. Chief McDade served the Department and the Lower Providence community for 33 years. He retired in 2000. Please join me in a moment of silence in honor of Chief McDade.

Protocol for Hybrid Meetings: Mr. Mentry 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 (via Zoom), Vice Chair Darby and Supervisors Neights (via Zoom), MacFarland and Sorgini.
- b. Also in attendance were: E.J. Mentry, Township Manager; Lauren Gallagher, Township Solicitor; Paul Donnelly, Assistant Township Manager; Tim Woodrow, Township Engineer; Casey Moore, Township Traffic Engineer (via Zoom); Mike Jackson, Chief of Police; Mike Mrozinski, Community Development Director; Joe Chillano, Public Works Director; and Matthew Chang, Student Representative.

Vice Chair's Comments

- Vice Chair Darby announced that an Executive Session was held prior to the meeting on December 6, 2023, to discuss personnel matters, contract negotiations and litigation. Additionally, an Executive Session was held on December 4, 2023 to discuss litigation.

1) Presentations

- A. Student representative Matthew Chung provided a report on Methacton School District news including: Holiday events taking place throughout the district; the swearing-in of new School Board members; the move of Methacton High School principal Dr. Jamie Gravinese to district administrator and the move of Woodland Elementary principal Dr. Deb Euker to replace Dr. Gravinese; the approach of mid-terms; an upcoming higher education financial aid webinar; and the start of the winter sports season.
- B. Chief Jackson announced the promotion of Officer Jeremy Bonner to Corporal after a competitive replacement process. Corporal Bonner's wife Kaitlyn and two sons took part in the promotion ceremony.
- C. Chief Jackson introduced new Police Officer Christopher Douglass. Officer Douglass' grandfather took part in the badge pinning ceremony.

2) Consent Agenda

- A. **MOTION:** Vice Chair Darby made a motion to approve the consent agenda, including moving the meeting minutes of November 16, 2023 into the record; approving the final escrow release for the Courts at Brynwood in the amount of \$35,989.21, and accepting a phasing update for Shannondell Phase Four. Supervisor MacFarland seconded the motion.
- a. Supervisor Neights asked for an explanation of the phasing update. Mr. Mentry said that the update is specific to Phase Four. It is submitted annually by Audubon Land Development (ALD) to extend by one year the deadline that ALD intends to submit for final Phase Four approval. The date noted in this update is December 31, 2036. Any deadlines pertaining to all other phases remain the same. It was explained that the Municipalities Planning Code requires the update because the project has lasted more than five years past its approval.
 - b. There was discussion about requiring the developer to attend a future meeting. It was noted that the update takes place annually and has not changed since the inception of the project.
 - c. There was no public comment.
 - d. The motion *passed* 4-1 with Supervisor Neights opposing.

3) Old Business

- A. Consideration of Resolution 2023-37, Conditional Use Decision for 2825 Ridge Pike
- a. Solicitor Gallagher said that a hearing was held at the Board's October 19, 2023 meeting on the Conditional Use request. The property is located in the Ridge Pike Business District which allows for a combination of permitted uses by Conditional Use. There is currently a building supply center on the property and the applicant is seeking to add an auto service center; both are permitted uses. Solicitor Gallagher said the resolution contains conditions of approval.
 - b. **MOTION:** Vice Chair Darby made a motion to approve Resolution 2023-37, seconded by Supervisor Sorgini.
 - c. There was no public comment.
 - d. The motion *passed* 5-0.
- B. Award of Bid for Pipe Replacement Work in Partnership with Sewer Authority
- a. Mr. Mentry noted that in July the Board had approved participation in a project of the Lower Providence Sewer Authority (LPSA). There are Township-owned storm sewer pipes that need to be dug up as part of the Sewer Authority's project. Because the pipes are dated, inadequate and deteriorating, the Board approved partnering with the LPTSA's bidding process to replace the pipes. Partnering with the LPSA allows for economies of scale and significant savings. The work will take place on Rogers Road, Oakdale Avenue and Clearfield Avenue.
 - b. Approval of the Township's portion of the work is needed. In July, the estimated cost to the Township was estimated to be between \$150,000 and \$175,000, which the Board approved to fund out of the Stormwater Fund. However, the current cost of the bid for the Township's portion is \$266,047. It was noted that additional funding may be needed for trench restoration work. There was discussion as to a "not to exceed" amount and potential sources of funding, including stormwater funds, American Rescue Plan Act (ARPA) funds, or a combination of both.
 - c. **MOTION:** Vice Chair Darby made a motion to approve the Township portion of the bid using \$175,000 from the Stormwater Fund and \$140,000 in ARPA funds, not to exceed a total of \$315,000. The motion was seconded by Supervisor MacFarland.

- d. There was no public comment.
- e. The motion *passed* 5-0.

4) New Business

A. Discussion of Encompass Health Preliminary/Final Land Development Plan, 2660 Audubon Road

- a. Mr. Mrozinski said the applicant is seeking guidance in terms of Township requirements regarding Audubon Road.
- b. Amy Farrell, attorney for Encompass Health, said the project had received initial consultant reviews over the summer and secured the necessary zoning relief. She said the Township Planning Commission had recommended approval of the plan but had deferred three waivers to the Supervisors: (1) waiver from providing a 30-foot cartway along Audubon Rd., (2) waiver from providing curbs and storm sewers along the property frontage, and (3) partial waiver from providing sidewalk along all existing or proposed public or private streets and common parking areas.. She said that the 30-foot widening may trigger PennDOT requirements for further widening, resulting in significant additional cost.
- c. Bill Moldovan, Kimley-Horn landscape architect for the project, and Joshua Rhodes, Encompass Health, participated via Zoom. There was discussion regarding pedestrian connectivity and challenges of the site, including grading, utility pole location and an existing culvert. Mr. Moldovan asserted that there was a significant cost difference between expanding the road to 30-feet and expanding it to the PennDOT specifications, which would trigger the need for extensive utility pole relocation and culvert widening. There was disagreement between Kimley-Horn and Township engineers on whether Encompass would be able to expand the road to 30 feet without significant utility work and culvert widening. Regardless of the Board determination on the waivers, he stated that Encompass will provide pedestrian connectivity from one side of the property to the other, either with continuous sidewalks or via pedestrian bridge.
- d. Mr. Moore said that there have been previous development applications on the property that included prior discussions with PennDOT as Audubon Road is a state road. Based on those conversations, site history and traffic study, he recommends the 30-foot widening as well as any PennDOT requirements.
- e. It was clarified that Audubon Road had been widened at the two sites that have been developed on either side of the Encompass property.
- f. The possibility of further talks with PennDOT regarding the requirement for additional widening and left turn lanes at Adams Avenue and at the site entrance was discussed.

B. Consideration of Request for Waiver of Land Development, 3936 Germantown Pike

- a. Mr. Mrozinski said that the property owner proposes construction of a pole barn for storage, minor parking lot expansion and small addition to an existing building. Because the property is non-residential, the plan is required to come before the board as land development. The owner, Davis Troxel, is requesting a waiver of land development and of frontage, sidewalk and curbing improvements.
- b. Mr. Woodward noted PennDOT's Ridge and Germantown pike intersection improvement project will directly impact the property, eliminating the property's frontage and the need for frontage improvements. Mr. Troxel clarified that the proposed construction would not be impacted by the intersection improvement project.

- c. **MOTION:** Supervisor Neights made a motion to grant the waiver of land development. Supervisor Sorgini seconded the motion.
- d. Solicitor Gallagher said a resolution memorializing the waiver would be prepared for the Board's approval.
- e. There was no public comment.
- f. The motion *passed* 5-0.

C. Consideration of Authorization to Advertise Zoning Ordinance Amendment

- a. Solicitor Gallagher said the ordinance amendment would clarify permitted uses within the Industrial Park zoning district, specifically making warehouse use a not-permitted use in all three sections of the IP district.
- b. **MOTION:** Vice Chair Darby made a motion to advertise the zoning ordinance amendment, seconded by Supervisor MacFarland.
- c. There was no public comment.
- d. The motion *passed* 5-0.

D. Ratification of Police Contract

- a. Vice Chair Darby announced that the ratification of the police contract is tabled and moved to the Board's Dec. 20th meeting.

5) **Announcements/Meetings**

- The Administration office will be closed December 25 and 26 and January 1 for the Christmas and New Year's holidays.
- The Board is accepting submissions from residents in serving on various Township boards. Mail information to the Township Administration Building to the attention of the Township Manager or email admin@lowerprovidence.org. Details can be found on the website, lowerprovidence.org.
- The Caring and Sharing holiday food and gift drive is underway. Supermarket gift cards, monetary donations and non-perishable food items are appreciated. The Angel Tree will be in the lobby after Thanksgiving. Details on the program can be found at www.lptrec.com.
- Sewer Authority – Dec. 11 at 4:30 p.m.
- Environmental Advisory Council – Dec. 18 at 7:00 p.m.
- Library Board – Dec. 18 at 7:00 p.m.
- Parks & Recreation Board – Dec. 19 at 7:00 p.m.
- Planning Commission – Dec. 27 at 7:00 p.m. – Cancelled
- Zoning Hearing Board – Dec. 28 at 7:00 p.m.

6) **Board Comments / Other Business**

- a. Supervisor Coless said the Community Holiday Dinner, sponsored by Chadwick's Restaurant, will be held on December 21 from 4:30 to 7:00 p.m. Any Township resident is welcome to attend. Information can be found on the Township's Facebook page.
- b. Supervisor Sorgini noted the meeting had been moved from Thursday because of the start of Hanukkah and wished all those who observe a Happy Hannukah.

7) **Adjournment**

- a. **MOTION:** Vice Chair Darby, seconded by Supervisor MacFarland, made a motion to adjourn. The motion *passed* 5-0. The meeting adjourned at 9:00 p.m.

Next Business Meetings:
Reorganization Meeting:

Wednesday, December 20, 2023
Tuesday, January 2, 2024 at 6:00 p.m.