

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
March 21, 2024**

Call to Order: Chair Darby called the hybrid live/virtual meeting to order at 7:05 p.m.

Pledge of Allegiance

Protocol for Hybrid Meetings: Chair Darby 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 Darby, Vice Chair Neights, Supervisor MacFarland, Supervisor Neufeglise and Supervisor Charles.
- 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 Mrozinski, Community Development Director, Joe Chillano, Public Works Director; Mike Jackson, Chief of Police; and Matthew Chung, Student Representative.

Chair's Comments

- Chair Darby announced that an Executive Session was held prior to the meeting on March 21, 2024 to discuss personnel, land acquisition and potential litigation. She stated that public comments would be limited to three minutes.

Proclamation: Ramadan Observance

1) Presentations

- A. Student Representative Report – Matthew Chung shared Methacton School District news. Prom will be held at the Sheraton Valley Forge on Friday, April 19th. Tickets have been on sale since March 20. The Post Prom Committee is looking for volunteers. Mini-Thon will be held on March 22, 2024. Every year, this event raises tens of thousands of dollars for children with cancer with all proceeds going to the Four Diamonds, a childhood cancer organization. High School athletics will be holding their second commitment day on Thursday, April 4, 2024.

2) Consent Agenda

- A. **MOTION:** Chair Darby made a motion to approve the consent agenda, accepting the minutes of February 15, 2024, and workshop of March 7, 2024, and moving them into the record; accepting minutes of Township boards/committees/commissions; accepting departmental monthly reports; authorizing the payment of bills in the amount of \$419,470.99; and accepting the Treasurer's Report. Vice Chair Neights seconded the motion.
 - i. Supervisor MacFarland asked if the Board would see the Planning Commission minutes. He said that although the Planning Commission did not issue an official recommendation in their previous meeting on the proposed text amendment for supportive short-term housing, many suggestions were made for consideration during the meeting. Manager Mentry responded that the Planning Commission minutes do not come to the Board until the Planning Commission has approved them and the Community Development report does not have that kind of detail.

- ii. Supervisor Neufeglise asked if she would still be able to vote on minutes even though she did not attend the February meeting. Solicitor Gallagher responded that she can.
- iii. There was no public comment.
- iv. The motion *passed* 5-0.

3) 960 Rittenhouse Road

A. Preliminary/Final Land Development Review

- i. Greg Adelman, Esq., appeared on behalf of the applicant who is looking for approval on the nearly 69,000 sq.ft. warehouse at 960 Rittenhouse Road. Conditional use approval had been received and they are going through the land use process. There are some minor changes since the prior conditional use approval.
- ii. Bill McNaneny, project engineer, reviewed the project with the Board. Mr. Adelman reminded the Board that it is a superfund site and that they will be putting in place EPA-approved remediation. Mr. Adelman reviewed all the landscaping that would be done. Mr. McNaneny said they are in the NPDS permitting process.
- iii. Supervisor MacFarland asked if the plantings would affect sight lines. Mr. McNaneny responded that the plantings would conform with the sight triangles of the ordinance. Discussion also took place regarding the site's stormwater management given that this is superfund site.
- iv. Supervisor Neights asked about the potential for solar panels and electric car charging stations. Presenters detailed that the roofs would have the capacity for solar panels, should they be sought in the future, and that they would be building the parking lot to be "charger ready", should chargers be sought in the future.
- v. Public Comment: Al Toper, who owns a neighboring property, expressed some concerns about stormwater. He requested his engineers look at the stormwater and Mr. Adelman said they have been trying to get in touch with Mr. Toper. They both agreed to meet outside of the meeting.

B. Public Hearing – Amended Conditional Use

Court reporter Paula Mezaro was present to transcribe a complete record of testimony.

C. **MOTION**- Chair Darby made a motion to open the public hearing, seconded by Supervisor Neights. The motion *passed* 5-0.

- i. Mr. Adelman stated they are seeking an amendment to the June 1, 2023 conditional use, which required the applicant to restripe a right-turn lane on Van Buren Avenue. After further review by both the applicant and the Township's traffic engineer, it was identified that a right turn lane does not exist and to make that improvement would require road widening and traffic signal improvements. The applicant is requesting to pay a fee-in-lieu, amounting to \$25,000.
- ii. Discussion took place regarding the ability for large trucks to make the turn on and off Van Buren from Trooper Rd. Both the Township's traffic engineer and the applicant's traffic engineer agreed that while there are limitations, trucks are able to make the turn from Van Buren onto Trooper and visa versa. Discussion also took place regarding moving the stop bar on Van Buren in the future.
- iii. There was no public comment.
- iv. **MOTION**: Chair Darby made a motion to close the public hearing, seconded by Supervisor Charles. The motion *passed* 5-0.
- v. **MOTION**: Chair Darby made a motion to approve amended Conditional Use application, seconded by Supervisor Neights. The motion passed 4-1. Supervisor MacFarland opposed.
- vi. There was no public comment.

4) Old Business

- A. Consideration of Ordinance No. 680 Amending Provisions of the Restated Police Pension Plan to Incorporate Changes Agreed to Through Collective Bargaining
- i. Mr. Mentry explained the ordinance stating that it was previously authorized and makes the ordinance consistent with the collective bargaining agreement with the police. This ordinance is ready for adoption.
 - ii. **MOTION:** Chair Darby made a motion to approve Ordinance No. 680 Amending Provisions of the Restate Police Pension Plan, seconded by Supervisor Neufeglise.
 - iii. There was no public comment.
 - iv. The motion *passed 5-0*.
- B. Consideration of Resolution 2024-16, Conditional Use Decision – 2601 Egypt Road
- i. Solicitor Gallagher explained the proposed retail use. She said the hearing has concluded with the applicant presenting its case and a resolution has been prepared for the Board's consideration.
 - ii. **MOTION:** Chair Darby made a motion to approve the Resolution 2024-16 denying the conditional use application for 2601 Egypt Road, seconded by Supervisor Charles.
 - iii. There was no public comment.
 - iv. The motion *passed 5-0*.
- C. Award of 2024 Road Improvements Project Bid
- i. Mr. Mentry spoke regarding the 2024 Road Improvements Project Bid. The Township received six bids. The average bid was \$633,000.00. The low bidder was Allan Meyers at \$546,185.46. The Township's share of the bid is approximately \$505,000 since some of the work is paid for by the Sewer Authority. This represents a savings of approximately \$100,000 compared to the approved 2024 budget.
 - ii. **MOTION:** Chair Darby made a motion to award the 2024 Road Improvements Project Bid to Allan Meyers seconded by Supervisor Neights.
 - iii. There was no public comment.
 - iv. The motion *passed 5-0*.
- D. Approval of Revised 2024 Fee Schedule
- i. Mr. Mentry spoke regarding additional fees to the fee schedule pertaining to right-to-know requests for copies generated on the Township's new large format printer/scanner and Zoning Hearing Board filing fees.
 - ii. **MOTION:** Chair Darby made a motion to approve the Revised 2024 Fee Schedule, seconded by Supervisor Neufeglise.
 - iii. There was no public comment.
 - iv. The motion *passed 5-0*.
- E. Consideration of Resolution 2024-17 Authorizing the Appropriate Township Officials to Affix Signatures on Checks
- i. Mr. Mentry explained that the Board must adopt a resolution every January authorizing signatories for the Board Members. Because the Board has had changes since January, this resolution simply memorializes those changes.
 - ii. **MOTION:** Chair Darby made a motion to approve Resolution 2024-17 authorizing the appropriate Township Officials to affix signatures on checks. Second by Supervisor Neufeglise.
 - iii. There was no public comment.
 - iv. The motion *passed 5-0*.

5) New Business

A. Consideration of Request for Waiver of Fence Standards, 3524 Ridge Pike

Note: This item was moved to the beginning of the meeting and was considered prior to the 960 Rittenhouse Road presentation and hearing.

- i. Mr. Mrozinski said that this was a request from Lauren and Dominic Cerminara to permit a six-foot high solid style fence in their yard. Their property has frontage on two streets, meaning they have two front yards. Mr. and Mrs. Cerminara explained that the fence would be on a dead-end street and they would like a solid style fence so their small dog would not be able to escape their yard. They said they have reached out to their neighbors and those to whom they spoke gave their permission.
- ii. Supervisor Neights and Supervisor MacFarland presented a series of questions pertaining to the appropriateness of a solid-style fence, the aesthetic impact, the height, and the potential for putting additional plantings in front of the fence. Mr. and Mrs. Cerminara agreed to a five-foot high fence with additional plantings.
- iii. **MOTION:** Chair Darby made a motion to waive the fence standards for 3524 Ridge Pike, with change of a five-foot high fence with additional plantings, seconded by Supervisor Neights.
- iv. There was no public comment.
- v. The motion *passed* 5-0.

B. Authorization to Advertise for Bids – Germantown Pike and Evansburg Road Signal Project

- i. Mr. Mentry explained that this was a grant-funded project through Montgomery County and PennDOT District 6. The project is ready to go out to bid.
- ii. **MOTION:** Chair Darby made a motion to authorize to advertise the bids for the Germantown Pike and Evansburg Road Signal Project. Supervisor Neights seconded the motion.
- iii. There was no public comment.
- iv. The motion *passed* 5-0.

C. Authorization to Advertise an Ordinance Amending the Defined Contribution Plan for Full Time, Non-Uniformed Employees

- i. Mr. Mentry explained that this ordinance amends the Defined Contribution Plan for Full Time, Non-Uniformed Employees and is consistent with the recently settled collective bargaining agreement. This ordinance will memorialize the changes to the funding that had already been approved by the Board which increase the defined contribution funding levels to 10% for fiscal years 2024-25, 10.5% for fiscal years 2026-26, 11% for fiscal years 2028 and beyond until such time that it is changed.
- ii. **MOTION:** Chair Darby made a motion to authorize advertisement of the ordinance amending the defined contribution plan for full-time non-uniformed employees. Supervisor Neights seconded the motion.
- iii. There was no public comment.
- iv. The motion *passed* 5-0.

D. Approval of Transportation and Community Development Initiative (TCDI) Grant Application Letter of Support

- i. Mr. Mentry explained that this is a grant application for a multimodal feasibility study in the Audubon portion of the Township. Greater Valley Forge (GVF) approached the Township and offered to apply for the grant on the Township's behalf. There is no cost to the Township and there is no match for the grant.

