

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
September 15, 2022**

Call to Order: Vice-Chair Coless called the hybrid live/virtual meeting to order at 7:08 p.m.

Pledge of Allegiance

Protocol for Hybrid Meetings: Vice-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 Board members were in attendance: Vice-Chair Coless, Supervisor Darby, Supervisor MacFarland and Supervisor Sorgini. Chairman Neights was absent.
- b. Also in attendance were: E.J. Mentry, Township Manager; Lauren Gallagher and Nicole Feight, Township Solicitor; Ed Slaw, Township Engineer; Mike Mrozinski, Community Development Director; Lt. Bill Hopkins, and Kaitlyn Phan, Student Representative.

Chairman's Comments

Vice-Chair Coless announced that an executive session was held prior to the meeting on September 15, 2022 to discuss personnel and legal matters.

1) Presentations

- A) Presentation by the Daughters of the American Revolution – Constitution Week Proclamation
 - i) Chris Janczuk, Betsy Parrish, and Bobbi Riley from the Valley Forge Chapter of the Daughters of the American Revolution gave a brief presentation on their organization and the upcoming Constitution Week.
 - ii) At the conclusion of their presentation, Vice-Chair Coless read a Proclamation of the Board of Supervisors recognizing September 17-23 as Constitution Week.
- B) Student Representative report from Kaitlyn Phan
 - i) Kaitlyn, a junior at Methacton High School, presented news from the various schools in the district.

2) Consent Agenda

- A) **MOTION:** Supervisor Sorgini made a motion to approve the consent agenda items 1(a), 1(b), and 1(c) including moving the meeting minutes of the September 1, 2022, Board of Supervisors business meeting into the record and authorizing an escrow release to Dunkin' Donuts in the amount of \$166,267.41 and an escrow release to Moscariello at Crosskeys in the amount of \$590,981.65. Supervisor MacFarland seconded the motion with the correction of the amount of escrow.
 - i) There was no public comment.
 - ii) The motion *passed 4-0*.

3) Old Business

- A) Consideration of Resolution 2022-24, granting preliminary land development approval of 420 Church Road subdivision

- i) Lauren Gallagher, Township Solicitor, reviewed the resolution granting conditional preliminary land development approval. The resolution has been reviewed thoroughly by staff and has been shared with the developer, who is in agreement with it.
- ii) **MOTION:** Supervisor MacFarland made a motion to approve Resolution 2022-24, granting conditional preliminary land development of 420 Church Road subdivision. Supervisor Sorgini seconded the motion.
- iii) There was no public comment.
- iv) The motion *passed* 4-0.

4) **New Business**

A) Consideration of request for waiver of fence standards at 2008 Janet Drive

- i) Mike Mrozinski, Community Development Director, provided a summary of the fence standards and the waiver request for 2008 Janet Drive. Mr. Fu-An Kang, property owner, was present to answer questions from the Board.
- ii) **MOTION:** Supervisor MacFarland made a motion to the approve the waiver of fence standards at 2008 Janet Drive. Supervisor Darby seconded the motion.
- iii) There was no public comment.
- iv) The motion *passed* 4-0.

B) Consideration of purchase of footbridge for MARA complex

- i) E.J. Mentry, Township Manager, presented the request for approval of the footbridge replacement project for the Township-owned portion of the Methacton Audubon Recreation Association (MARA) athletic complex. The project is included in the Parks, Recreation, and Open Space Plan and has been recommended by the Park and Recreation Board. The proposal includes three options for the bridge material: pressure-treated wood, Trex, and galvanized metal grate.
- ii) **MOTION:** Supervisor MacFarland made a motion to approve the purchase of footbridge for the MARA complex, selecting the galvanized metal grate option. Supervisor Sorgini seconded the motion.
- iii) There was no public comment.
- iv) The motion *passed* 4-0.

C) Ratification of approval emergency electrical repairs

- i) Mr. Mentry explained the recent storm-related electrical damage to the underground electric cables servicing the Township building and the library. The damages completely knocked out all electricity to both buildings and required immediate emergency repairs, which were completed within less than a week. The work required a contractor with an estimated cost of about \$90,000. A formal resolution of approval will be prepared for the next Board meeting once the invoice is received from the contractor.
- ii) The Board thanked Township staff for their quick actions and thorough communications throughout the entire process.
- iii) **MOTION:** Supervisor Darby made a motion to ratify the approval of emergency electrical repairs. Supervisor Sorgini seconded the motion.
- iv) There was no public comment.
- v) The motion *passed* 4-0.

D) Discussion of Accessible Pedestrian System (APS) for Ridge Pike/Parklane Drive Intersection

- i) Mr. Mentry explained the need to upgrade the pedestrian push buttons at the Ridge Pike/Eagleville Rd./Parklane Dr. intersection with a new APS system that provides accommodations for visually impaired pedestrians. Staff has been working on a solution for several months and has determined that the project will need to go out to bid. Staff was also just informed by PennDOT that there may be federal funding available that PennDOT intends to use for pedestrian intersection improvements, and this project may qualify. Chris Elsier, Transportation Engineer from McMahon, discussed the system in more detail.
- ii) The Board directed staff to proceed with preparing bid specs while simultaneously coordinating with PennDOT to determine the fastest solution for this intersection.

5) Announcements/Meetings

- A) Environmental Advisory Council - September 19 at 7:00 p.m.
- B) Library Board – September 19 at 7:00 p.m.
- C) Comprehensive Plan Steering Committee - September 21 at 7:00 p.m.
- D) Zoning Hearing Board - September 22 at 7:00 p.m.
- E) Board of Supervisors Budget Workshop – September 28 at 4:30 p.m.
- F) Planning Commission - September 28 at 7:00 p.m. - *cancelled*
- G) Annual Fall Festival – Saturday, Oct 1, 11am to 4pm in Eagleville Park
- H) MontCo Hero Fund 5K Brews & BBQ – Sunday, Oct 2, Lower Providence Fire Department fair grounds, Details at montgomerycountyherofund.org
- I) Residents can now submit, track, pay for and receive permits completely online through the Township’s new permit portal. More information and a link to the portal can be found under the “News” tab on the Township website, lowerprovidence.org

6) Comments and other Business

- A) Supervisor Sorgini – Thanked Jane Delaney, Denise Walsh, the Public Works Department and first responders for their efforts for the 9/11 ceremony. Also, the Sewer Authority is continuing with its capital improvement projects and observed improved system performance during recent rain events.
- B) Supervisor Darby – Thanked the staff for all the work they do for the residents of the Township.
- C) Vice-Chair Coless – Resident contacted her about paving projects.
- D) Mr. Mentry – Thanked Mike Mrozinski and his staff for the work getting the online payment system up and running.

7) Courtesy of the Floor

- A) There was no public comment.

8) Adjournment

- A) **MOTION:** Supervisor Darby made a motion to adjourn. Supervisor Sorgini seconded the motion. The motion *passed 4-0*. The meeting adjourned at 8:10 p.m.

Budget Workshop: September 28 @ 4:30 p.m.

Next Business Meeting: October 6, 2022 @ 7:00 p.m.

LOWER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2022-26

**RATIFYING A CONTRACT FOR EMERGENCY WORK AND AUTHORIZING PAYMENT OF INVOICE
FOR EMERGENCY ELECTRICAL REPAIRS**

WHEREAS, on or about September 6, 2022, electrical power to the Lower Providence Township municipal building was interrupted due to adverse weather conditions, and following investigation in coordination with the electrical utility, PECO, it was determined that the power outage was caused by damage to underground power cables serving the Township building, and it was further determined that repairs to the electrical service facilities were the responsibility of the Township; and

WHEREAS, the electrical outage resulted in failure of the system to provide adequate power to the municipal building, including the police department, jeopardizing the public safety and health of the Township and its residents and requiring the retention of a vendor to repair the system and install replacement equipment as necessary to ensure proper operation of the electrical system serving the municipal building (the “Emergency Work”); and

WHEREAS, in accordance with Section 3102 (h) of the Second Class Township Code, 53 P.S. § 68102 (h), the Board of Supervisors (“Board”) is empowered to dispense with public bidding requirements for any public work the cost of which exceeds the threshold amount requiring notice to potential bidders and award of a contract to the lowest responsible bidder when such work is necessitated by an emergency; and

WHEREAS, the Board obtained an emergency quotation from a vendor qualified to perform the Emergency Work and retained the vendor to perform the repairs; and

WHEREAS, the cost of the Emergency Work exceeded the public bidding threshold, as indicated in the invoice attached hereto from the vendor; and

WHEREAS, the Board by this Resolution desires to ratify the expenditure of funds for the Emergency Work and approve payment to the vendor in the amount specified in the attached invoice.

NOW, THEREFORE, be it **RESOLVED** by the Board of Supervisors of Lower Providence Township, Montgomery County, Pennsylvania, that the contract for Emergency Work performed in accordance with the attached invoice by Armour & Sons Electric, Inc., is **RATIFIED** and payment to said contractor in accordance with the attached invoice, in the amount of \$89,694.40, is **APPROVED**.

RESOLVED and ENACTED THIS _____ day of _____ 2022.

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

Attest:

E.J. Mentry, Manager

Gary Neights, Chair



INVOICE

INVOICE #: 920005484
INVOICE DATE: 09/16/22
CUSTOMER NUMBER: LOWE04
SERVICE ORDER: 20005358
CUSTOMER PO:

INVOICE TOTAL: **89,694.40**

DUE DATE: **10/16/22**

TERMS: **NET 30 DAYS**

Lower Providence Township
100 Parklane Drive
Eagleville, PA 19403

For work performed at:

Lower Providence Township Building
100 Parklane Drive,
Eagleville, PA 19403

OTHER COSTS

| DESCRIPTION | EXTENDED |
|--|-----------|
| Equipment (backhoe + generator rental) | 11,466.70 |
| Labor as per attached | 51,808.75 |
| Material as per attached | 26,418.95 |

Other Costs Total: 89,694.40

COMMENTS

Re: Township Building 5kv Service Repair

Provided labor, material and equipment to perform repair tasks including temporary generator setup/breakdown (library), meggar cabling, locating, exploratory excavation, Quazite box installation, conduit repairs, cable replacement/terminations, sawcut/patch roadway and remediation.

SUBTOTAL: 89,694.40
TAX: 0.00
TOTAL: 89,694.40

**REMIT TO: Armour & Sons Electric, Inc. PO Box 597 Langhorne, PA 19047
215-943-4400**



ARMOUR & SONS
ELECTRIC, INC.

SERVICE INVOICE

Lower Providence Township Building
Incoming 5KV service repair
SO#-20005358

Contractor: Armour & Sons Electric Inc

Description: Pricing for labor, equipment & material necessary to perform repair tasks including temp generator setup/breakdown (library), meggar cabling, locating, exploratory excavation, Quazite box install, conduit repairs, cable replacement/terminations, sawcut/patch roadway & remediation.

Submitted by: 9/16/22

| Materials | | Qty | Unit Cost | Material Total | NOTES |
|---|--|------|------------|----------------|-------|
| Quazite 3'x5' boxes | | 4 | \$1,980.00 | \$7,920.00 | |
| 3 lengths of #2AL 15KV cable | | 3384 | \$3.76 | \$12,723.84 | |
| Terminate with Loadbreak elbows (3 each end- 6 total) | | 6 | \$110.00 | \$660.00 | |
| 4" PVC | | 30 | \$9.00 | \$270.00 | |
| #2A modified stone (ton) | | 6.5 | \$40.00 | \$260.00 | |

| Manhours | | Qty | DT hours | OT Hours | ST hours | Equip cost | NOTES |
|----------|---------------------|---------|----------|----------|----------|------------|----------|
| 6-Sep | D.Benedict LU269 | 4 | | 4.00 | | | |
| | R.DiCesare LU98 | 4 | | 4.00 | | | |
| 7-Sep | D.Benedict LU269 | 8 | | | 8.000 | | |
| | R.DiCesare LU98 | 8 | | | 8.000 | | |
| 8-Sep | D.Benedict LU269 | 8 | | | 8.000 | | |
| | R.DiCesare LU98 | 8 | | | 8.000 | | |
| | M.Palage LU98 | 8 | | | 8.000 | | |
| | OPERATOR LU542 | 8 | | | 8.000 | | |
| | Backhoe | | | | | | |
| 9-Sep | D.Benedict LU269 | 8 | | | 8.000 | \$352.00 | Day rate |
| | R.DiCesare LU98 | 8 | | | 8.000 | | |
| | M.Palage LU98 | 8/1OT | | 1.00 | 8.000 | | |
| | J.Lyons LU98 | 8/1 | | 1.00 | 8.000 | | |
| | OPERATOR LU542 | 8/1 | | 1.00 | 8.000 | | |
| | Backhoe | | | | | | |
| 10-Sep | D.Benedict LU269 | 8OT/6DT | 6.000 | 8.00 | | \$352.00 | Day rate |
| | C.McVan LU269 | 8OT/5DT | 5.000 | 8.00 | | | |
| | J.Lyons LU98 | 13OT | | 13.00 | | | |
| | M.Palage LU98 | 13OT | | 13.00 | | | |
| | C.Clatenburg LU98 | 14OT | | 14.00 | | | |
| | OPERATOR LU542 | 13OT | | 13.00 | | | |
| | Backhoe | | | | | | |
| 12-Sep | D.Benedict LU269 PM | 8 | | | 8.000 | \$352.00 | Day rate |
| | R.DiCesare LU98 PM | 3.5 | | | 3.500 | | |
| | M.Palage LU98 | 8/4OT | | 4.00 | 8.000 | | |
| | J.Lyons LU98 | 8/2OT | | 2.00 | 8.000 | | |
| | C.Clatenburg LU98 | 8/2OT | | 2.00 | 8.000 | | |
| | B.Boynton LU98 | 4/4.5OT | | 4.50 | 4.000 | | |
| | T.Coleman LU351 | 8 | | | 8.000 | | |
| | OPERATOR LU542 | 6/2OT | | 2.00 | 6.000 | | |
| | Backhoe | | | | | | |
| 13-Sep | D.Benedict LU269 PM | 2 | | | 2.000 | \$352.00 | Day rate |
| | R.DiCesare LU98 PM | 3 | | | 3.000 | | |
| | M.Palage LU98 | 8 | | | 8.000 | | |
| | C.Clatenburg LU98 | 8 | | | 8.000 | | |
| | OPERATOR LU542 | 8 | | | 8.000 | | |
| | Backhoe | | | | | | |

SHEET TOTALS

| LABOR DT | LABOR OT | LABOR ST | MATERIAL | EQUIP |
|----------|----------|----------|-------------|------------|
| 11.000 | 94.50 | 170.50 | \$21,833.84 | \$1,760.00 |

Standard Time Rate
Overtime Rate
Double Time Rate
Sub-total Materials
Sub-total Equipment
Sub-total Riley Elec. Generator & Locating services
Sub-total Labor

Tax
15% OH & Profit
Sub-Totals

| Hours | Rate | Labor | Material | Equipment |
|--------|----------|-------------|-------------|-------------|
| 170.50 | \$155.00 | \$26,427.50 | | |
| 94.50 | \$232.50 | \$21,971.25 | | |
| 11.00 | \$310.00 | \$3,410.00 | | |
| | | | \$21,833.84 | |
| | | | | \$1,760.00 |
| | | | | \$9,706.70 |
| | | | \$51,808.75 | |
| | | | \$1,310.03 | |
| | | | \$3,275.08 | |
| | | | \$51,808.75 | \$26,418.95 |
| | | | | \$11,466.70 |
| | | | | \$89,694.40 |

Total \$89,694

RC | **RUDOLPH CLARKE, LLC**
ATTORNEYS AT LAW

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Phone 215-633-1890
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September 7, 2022

Via E-Mail Only

Edward A. Taraskus, Esquire
ed@paliquorlaw.com
Green, Silverstein & Groff, LLC
215 South Broad Street, Suite 500
Philadelphia, PA 19107

Re: Lower Providence Township
Intermunicipal Transfer of Liquor License R-9208

Dear Mr. Taraskus:

As you may know, this Firm serves as the Solicitor for Lower Providence Township, Montgomery County ("Township"). The Township is in receipt of the above referenced Application for Approval of Intermunicipal Liquor License Transfer related to Liquor License to the Applicant's business located at 711 South Trooper Road in the Township ("Application"). The initial informal Application was received on August 22, 2022, and our review of the Application noted that the informal Application was incomplete. Specifically, the Township requires the execution of a Professional Services Agreement and a deposit of \$5,000 for a professional escrow fee in order to complete the Application. I have taken the

Edward Taraskus, Esquire

September 7, 2022

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liberty of preparing the Professional Services Agreement, which is enclosed for your review. Until the signed agreement deposit is received, the Application is incomplete.

In anticipation that the application will be completed with the provision of the above referenced agreement and deposit, the matter has been tentatively listed for consideration at the October 6, 2022 meeting of the Township's Board of Supervisors. If the signed agreement and deposit is not received at least fourteen (14) days prior to the hearing, the Application will remain incomplete and the hearing will not take place.

Kindly provide the deposit so that your application can be completed.

If you have any questions or concerns, please feel free to contact me.

Thank you for your attention

Very truly yours,

Lauren A. Gallagher

LAG:

cc: E.J. Mentry, Township Manager
Michael Mrozinski, Director of Community Development

NOTICE

The LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS will hold a public hearing and take action regarding an Application for Inter-Municipal Transfer of a Restaurant Liquor License at its regularly scheduled meeting on October 6, 2022 at 7:00 p.m., at the Township Building, 100 Parklane Drive, Eagleville, PA 19403 and will hold a public hearing on and will consider for adoption, a resolution authorizing the transfer of Restaurant Liquor License No. R-9208 currently held by 474 Lafayette St. John Corporation, 474 Germantown Pike, Lafayette Hill, Montgomery County, Pennsylvania to Select Pizza Grill of Audubon, LLC, for use within Lower Providence Township a property located at 711 South Trooper Road, Audubon, Montgomery County, PA.

The public hearing will be held for the purpose of receiving comments and recommendations of the interested individuals residing within the municipality concerning the Applicant's intent to transfer a liquor license into the municipality of Lower Providence Township, Montgomery County, Pennsylvania from Whitemarsh Township, Montgomery County, Pennsylvania. The proposed Resolution authorizes the transfer of Liquor License No. R-9208 to Select Pizza Grill of Audubon, LLC for use at property located at 711 South Trooper Road, Audubon, Lower Providence Township, PA, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

The public hearing shall be held in a hybrid format, with the in-person component to take place at 100 Parklane Drive, Eagleville, PA 19403. Members of the public are permitted to attend the hearing in person, provided that all safety measures, as available on the Township website at www.lowerprovidence.org and posted on the entrance to the building prior to the meeting, are observed. Members of the public are also permitted to participate via remote means, consistent with instructions available on the Township's website. If a member of the public would like to participate but requires assistance or accommodation, please contact the Township at mmrozinski@lowerprovidence.org or (610) 635-3514 prior to 10:00 a.m. on the day of the meeting.

Lauren A. Gallagher
Solicitor for Lower Providence Township
7 Neshaminy Interplex, Suite 200
Trevose, Pa 19053

LOWER PROVIDENCE TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION No. 2022-28

**A RESOLUTION OF THE TOWNSHIP OF LOWER PROVIDENCE,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE PURCHASE, IN LIEU OF CONDEMNATION, OF CERTAIN
REAL PROPERTY LOCATED WITHIN LOWER PROVIDENCE TOWNSHIP
FOR THE PURPOSE OF OPEN SPACE PRESERVATION WITHIN THE TOWNSHIP**

WHEREAS, the Township of Lower Providence is a duly organized Township of the Second Class of the Commonwealth of Pennsylvania; and

WHEREAS, the Township, in the lawful exercise of its powers, desires to acquire certain real property located within the Township and identified as Montgomery County Tax Map Parcel No. 43-00-14725-00-1 (hereinafter the "Property"), so as to hold and preserve the Property for various purposes for the benefit of the citizens of the Township, and for the advancement, preservation, and protection of the health, safety, and general welfare of the citizens of the Township; and

WHEREAS, the Township is vested with the power of eminent domain whereby the Township is empowered to condemn and appropriate the Property in accordance with the various provisions of the Pennsylvania Eminent Domain Code; and

WHEREAS, the owners of the Property wish to transfer the Property, by deed, in lieu of condemnation of the Property by the Township; and

WHEREAS, the Township intends to acquire the Property in an amount not to exceed the appraised value of the property.

NOW THEREFORE, BE IT RESOLVED, that the Township of Lower Providence, Montgomery County, hereby authorizes the purchase, in lieu of condemnation, of certain real property, identified as Montgomery County Tax Map Parcel No. 43-00-14725-00-1, for a sum not to exceed the appraised value of the Property; and

FURTHER RESOLVED, that the Township Manager, and all other proper officers of the Township are authorized and directed to execute any and all documents, and to otherwise take any and all steps necessary to effectuate the purposes of this Resolution.

RESOLVED at a duly convened meeting of the Board of Supervisors conducted on this ____ day of _____, 2022.

LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS

Gary Neights, Chair

ATTEST:

E. J. Mentry, Secretary