



**UPPER PROVIDENCE BOARD OF SUPERVISORS
REGULAR MEETING
Monday, January 19, 2021 – 7:00 P.M.**

The Board of Supervisors regular meeting on Monday, January 19, 2021 was held in a virtual only format. Geoffrey Grace, Township Director of Planning and Zoning, was the meeting moderator.

ATTENDANCE

Board of Supervisors: Bill Starling, Chair, Laurie Higgins, Vice-Chair; Helene Calci, Supervisor; John Pearson, Supervisor; and Albert Vagnozzi, Supervisor.

Staff Present: Timothy Tieperman, Township Manager; Bryan Bortnichak, Assistant Township Manager; Chief Mark Toomey, UPT Police Department; Lt. U. Mark Freeman, UPT Police Department; Richard Ressel, Jr., Emergency Management Coordinator; Tom Broadbelt, Public Works Director; Don Kelly, Assistant Public Works Director; Susan Hoffman, Parks and Recreation Director; Matthew Light, Building Inspector; Renee Lorenzo, Assistant Finance Director; Arielle Simmons, Communications Officer; and Cheryl Schinski, Administrative Services Manager.

Consultants Present: Geoffrey Grace, Township Director of Planning and Zoning; Eric Frey, Esquire, Township Solicitor; William Dingman, Township Engineer; and Casey Moore, Township Traffic Engineer.

CALL TO ORDER

Supervisor Starling called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Supervisor Starling started the meeting with a moment of silence to think about the police officers and others who died in the assault on the Capitol Building on January 6th and the grim milestone in the number of people who have passed due to Covid-19.

MOTION TO APPROVE BOARD AGENDA

Supervisor Pearson motioned, seconded by Supervisor Higgins, to approve the January 19, 2021 Regular Meeting Board Agenda, per § 2-2-5 (A) of the Township Administrative Code. Motion carried 5-0.

PUBLIC COMMENT

Lisa Mossie (311 Montgomery Avenue) asked if public comments will be allowed after the Parkhouse presentation. Supervisor Starling stated public comments regarding the Parkhouse proposal would be heard after the presentation. She stated that the Zoom meetings are awkward and hard to follow. She would like to have meetings in the Meeting Hall.

Judy Sheetz (117 Old State Road) stated she would prefer not to have a Zoom meeting.

Supervisor Vagnozzi stated that he would prefer to have meetings in the Meeting Hall. He would like to have a plan before the February meeting to have monthly meetings in the Meeting Hall. Mr. Grace stated that there are 109 participants on this meeting. Supervisor Pearson stated the Board would prefer to be in the Meeting Hall. There is no way to have the amount of people logged in to the Zoom meeting socially distanced in the Meeting Hall. Meetings may have to stay on Zoom for a while longer. Supervisor Vagnozzi stated 100 people would not be present in the Meeting Hall but possibly in other rooms in the Administration Building. Supervisor Calci stated she recognizes everyone's comments, and the Board will review this prior to the next meeting.

Bob and Marge McManus (124 Hampshire Court) stated they cannot hear all of the dialogue over Zoom and would prefer to have in person meetings.

Ed Pennypacker (271 Hafner Road) asked if the Board considered having these meeting where a lot of residents want to be involved at another location like the High School auditorium. Supervisor Starling said the Board will consider everyone's comments regarding Zoom meetings.

Toni Patrick (410 Laurel Lane) asked about the runoff on Gumbes Road and Laurel Lane. She stated berms were to be installed to help with the water runoff. She has three sump pumps running in her basement all the time to pump out the water. Supervisor Pearson stated that berms are not going to solve the water problem. Ms. Patrick stated there are concrete gullies on Fern Lane that direct the water. She stated trees have fallen and block the water runoff. She stated that water runs into her back yard and basement. Supervisor Pearson stated the township will investigate this issue.

EXECUTIVE SESSION

None.

APPROVAL OF BILL LIST

1. January 1, 2021 – January 13, 2021: \$808,273.26

Supervisor Pearson motioned, seconded by Supervisor Calci, to approve the bill list for the period of January 1, 2021 – January 13, 2021, in the amount of \$808,273.26. Motion carried 5-0.

APPROVAL OF MINUTES

- 2. January 4, 2021 – Reorganization Meeting**
- 3. January 4, 2021 – Regular Meeting**

Supervisor Pearson motioned, seconded by Supervisor Higgins, to approve the minutes of the January 4, 2021 Reorganization Meeting and the January 4, 2021 Regular Meeting. Motion carried 5-0.

PUBLIC HEARING

None.

OLD BUSINESS (ACTION/DISCUSSION ITEMS)

4. Consider enacting Ordinance 587 regarding the realignment of Jacobs Street with Walnut Street, Mont Clare

Mr. Bortnichak stated this ordinance was before the Board previously for authorization to advertise. The ordinance memorializes the partial abandonment and relocation of Jacobs Street so that it aligns with Walnut Street. Advertisement ran in the newspaper yesterday for bidding on the project. Bid opening is expected on February 22, 2021 with an award recommendation to the Board at the March 15, 2021 meeting.

Supervisor Pearson motioned, seconded by Supervisor Higgins, to enact Ordinance 587 regarding the realignment of Jacobs Street with Walnut Street, Mont Clare. Motion carried 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

5. Consider accepting the resignation of Bill Starling from the Human Relations Commission

Supervisor Starling stated he sent a letter to the Township Manager as his resignation from the Human Relations Commission.

Supervisor Starling motioned, seconded by Supervisor Pearson, to accept the resignation of Bill Starling from the Human Relations Commission. Motion carried 5-0.

6. Consider appointing Joseph Lewis to the Human Relations Commission for a one-year term

Supervisor Starling motioned, seconded by Supervisor Pearson, to appoint Joseph Lewis to the Human Relations Commission for a one-year term. Motion carried 5-0.

7. Consider adoption of the 2021 Emergency Operations Plan

Rich Ressel, Jr., Emergency Management Coordinator, stated that townships are required to have a yearly emergency operations plan. The plan must be reviewed and signed by each supervisor. The plan is the outline to protect residents of the township in the event of a disaster or emergency, including Limerick power station.

Supervisor Calci motioned, seconded by Supervisor Pearson, to adopt the 2021 Emergency Operations Plan. Motion carried 5-0.

Supervisor Vagnozzi stated that the Board needs to clearly state their vote. Supervisor Starling stated he asks for both the yes votes and the no votes to make sure every vote is represented.

8. Presentation of Public Financial Management (PFM) on proposed comprehensive financial strategic plan

Mr. Tieperman introduced Jamie Schlesinger, Vileen Leung, and Dean Kaplan. He outlined their professional credentials. The full presentation including slides can be seen in the January 19, 2021 Board of Supervisors meeting video on the township's website at www.uprov-montco.org.

9. Consider adopting Resolution 2021-8 authorizing an amendment to the 2021 Operating and Capital Budget and approving a proposal for Public Financial Management (PFM) to perform a comprehensive financial strategic plan

Supervisor Pearson would like to have this matter tabled to allow the Board additional time to review the presentation and to review their project goals. Supervisor Calci stated this plan would be a road map for the next few years. She stated it will be very useful but understands the need for more review time. Mr. Tieperman stated PFM would not begin until the April timeframe allowing the township to provide the required information. He stated he will make sure that Board members have all of their questions answered.

10. Presentation on proposed development of the Parkhouse property at Old State Road and Yeager Road

Mr. Grace stated the applicant asked about a month ago to have a spot on the Board agenda. He received the proposal for this development on Friday, January 15, 2021. Ed Mullin, Esquire is representing Dr. Scott Rifkin and Michael Jacobs.

Attorney Mullin stated this is a proposal for the Parkhouse property, a 185-acre tract of land on Black Rock Road that is zoned Open Space/Conservation with an Institutional Overlay. This would allow for a CCRC (continuing care retirement community) with a density of 15 dwelling units per acre. Also attending is Gary Berman, project land design consultant.

Dr. Scott Rifkin gave an overview of the project. He stated that he does not own the nursing home, only the adjacent land. The full presentation including slides can be seen in the January 19, 2021 Board of Supervisor's meeting video found on the township's website at www.uprov-montco.org.

Attorney Frey stated that the property can be used for municipal and institutional uses. The current zoning allows the following - most dense possibilities which include a university hospital, a center that could have 15 units per acre (87.5 acres is developable as 50% must remain open space) which calculates to over 1,300 units, and/or buildings up to 7 stories.

Supervisor Starling asked about the infrastructure and road upgrades. He restated that this is just a proposal and no formal application/plans have been submitted. Supervisor Calci asked if the HOA would be responsible for maintaining the open space. Supervisor Higgins had several questions

regarding the equestrian section of the plans. Supervisor Calci asked about keeping the natural aspect of the property. Supervisor Pearson asked for an estimate on the number of proposed residences, 500-600 most of which are multi-family. Supervisor Vagnozzi asked for clarification about the multi-family section.

Supervisor Starling asked for public comments on the Parkhouse project. The following residents provided feedback:

Ray Emrich (1520 Yeager Road)
Ron Steckel (1214 Second Avenue)
Patrick and Pam Canning (1515 Yeager Road)
John Wesler (180 County Ridge Drive)
Norman and Rachel Davenport (100 Bennington Road)
Lisa Mossie (311 Montgomery Avenue)
Nancy Peters (273 Old State Road)
Michael Kajak (104 Bennington Road)
Diane Dillman (233 Old State Road)
Judy Sheetz (117 Old State Road)
Lisa Satteson (302 Willowbrook Lane)
Kevin Middaugh (139 Hemlock Drive)
Victoria Bright (364 Vista Drive)
Toni Patrick (410 Laurel Lane)
Stacey Miles (265 Old State Road)
Eric Stanislaw (301 Willowbrook Lane)
Allison Wesler (180 Country Ridge Drive)
William Felton (133 Old State Road)
Julie Ann Bricker (308 Willowbrook Lane)
Alex Zachney (361 Vista Drive)

In summary residents requested through public comments that the parcel remain as open space. There are concerns about density, traffic, noise, crime, and disruption of wildlife. All the adjacent areas will need to be buffered. Other concerns include intrusive lighting and loss of residential privacy. Rental units are not family oriented and will cause larger issues. The township does not need any more apartment units. A possible solution would be to develop the tract as a public golf course. The needs of the immediately adjacent neighbors need to be considered including possibly moving the multi-family units to another spot on the parcel. There is a belief that there are potter fields on the property, gravesites from Quakers. Dr. Rifkin asked if anyone has information regarding the potter fields if they would forward it to him. He also stated environmentalist and wetland experts would be retained to review the property. Residents believe this land is open space and should not be developed. There is a historic one room schoolhouse located on the property that should be preserved. There are steep slopes in the area and there is concern about water runoff. There are existing services in the community and the proposal would be duplicating those services. There are concerns about the impact to the local schools and

hospitals. The current zoning allows for any of the following: college, university, hospital, monastery, age restricted facilities including personal care and assisted living facilities.

Dr. Rifkin stated he would be willing to meet with the residents to discuss any issues they may have. Mike Jacobs provided his email in the chat section of the Zoom meeting. Mr. Grace stated this is an initial proposal and no application has been filed. New zoning language would be required if this plan did move forward, which is a public process and would take a long time. Attorney Mullin stated this is a conceptual plan and stated the process would take approximately 3-4 years before any construction. He would be willing to meet with neighbors to help formulate a plan that works for everyone. Mr. Grace stated developers are required to pay for necessary upgrades to the roads. Anyone living within 500 feet of the property would receive a notice if a zoning hearing were scheduled regarding the property.

Supervisor Starling stated that any development in the township is required to have fully engineered plans that include stormwater and traffic remedies. The ordinances have been made more robust to cover these areas. This presentation was just a plan. The property is not owned by the township or the county.

11. Presentation on proposed development of the Foley Tract, 301 Rittenhouse Road

Alyson Zarro, Esquire, who represents the applicant, and Brian Thierrin from Toll Bros. discussed the proposed development. The full presentation including slides can be seen in the January 19, 2021 Board of Supervisor's meeting video found on the township's website at www.uprov-montco.org. The property is known as the Foley Tract, located on both sides of Rittenhouse Road with an address of 301 Rittenhouse Road. This property is currently zoned R-1. This district allows for a mixed residential community option for properties that are located within 4,000 feet of the center line of an intersection of Route 422. This property is located approximately 4,500 feet from an intersection. This plan was before the Planning Commission in late 2020. The current plan considers the comments from the Planning Commission and feedback from township staff. Mr. Thierrin discussed the layout, trail connections, and preservation of open space.

Supervisor Vagnozzi stated the plan shows tract homes and lacks creativity. He feels the homes in the south parcel are small and condensed. Mr. Thierrin stated the previous plan had much larger lots and was altered to allow for additional open space. Supervisor Vagnozzi stated this plan does not fit the neighborhood. The yield of units with current zoning would be 24 with driveways on Rittenhouse Road.

12. Presentation on proposed development of 183 Kline Road

Anthony Maras, Esquire represents the applicant and the discussed the proposed development of 183 Kline Road. The full presentation including slides can be seen in the January 19, 2021 Board of Supervisor's meeting video found on the township's website at www.uprov-montco.org. A similar plan was previously before the Planning Commission and Board of Supervisors, who took no action. This proposal is requesting a change from R-1 to R-2 zoning and would be a by-right plan. Soils in the area

are poor for on-lot septic system. The developer would build a pump station on the Taylor Farm Park to allow connection to the public sewer system for this development and the surrounding area. This property currently adjoins other R-2 districts. Mr. Grace stated applicant is looking for a zoning map amendment. The approximate cost of a 100 EDU capacity pumping station is \$500,000-\$600,000. Mr. Grace stated applicant is looking for a formal hearing date. Attorney Frey stated applicant would have to prepare an ordinance amendment to be reviewed by the Township prior to granting of advertisement or hearing date.

13. Consider extending the face period for 2021 real estate taxes

Supervisor Starling stated the Board granted an extension of the face period for real estate taxes to the end of 2020 due to the COVID-19 pandemic. Julie Mullin, Upper Providence Tax Collector, stated she was contacted by the tax collector from Limerick who advised he was asking his board to extend the face period or limit the penalty for the 2021 real estate taxes. She stated she is the president of the Montgomery County Tax Collectors. She contacted other tax collectors in the county and asked if their municipalities were extending the face period, and none were. She contacted the county and was advised that they are not extending the face period either. She wants to review this issue now so that whatever date is decided is correctly reflected on the tax bill. The current bills will be mailed March 1, with the discount period through April 30, and the face period through June 30. This would not affect the school tax bill. Supervisor Vagnozzi stated that if the county is not extending the face period then the township should not either. Ms. Mullin stated mortgage companies who hold escrows must pay the taxes in the discount period so this would greatly limit the number of effected homeowners. She stated half the properties in the township are escrowed. Supervisor Starling stated he would let the billing period stand. Supervisor Pearson stated he would keep everything the same and not extend the face period. No action was taken.

14. Consider authorizing advertisement for bids of Road Paving Project “A”

Mr. Bortnichak reviewed a map showing Road Paving Project “A”.

Supervisor Calci motioned, seconded by Supervisor Pearson, to authorize advertisement for bids of Road Paving Project “A”. Motion carried 5-0.

MANAGER AND DEPARTMENT HEAD REPORTS

Mr. Tieperman stated a manager highlights report will be sent out on Friday.

Rich Ressel, Jr., Emergency Management Coordinator, discussed vaccine distribution. The county is currently in the 1A phase but hopes to be in 1B soon, which covers police officers and firefighters. Phase 1C which covers elected officials and municipal employees is still several months out. Lehigh County is providing vaccines for any emergency responders because they are receiving the vaccine quicker than Montgomery County.

Using the Meeting Hall for meetings is going to be a challenge due to the restrictions still in

place. We are limited in capacity and must make sure everyone is socially distanced by six feet. This would allow for approximately 34 people in the Meeting Hall. The issue becomes how do you allow all members of the public who show up for the meeting to attend if we are at capacity. Attorney Frey stated the issue becomes you cannot turn people away from the meeting once you reach capacity.

CONSULTANT REPORTS

15. Engineering and capital improvement project updates

Mr. Dingman stated the Spring Mill sewer project will be starting in February.

SOLICITOR'S REPORT

None.

SUPERVISORS COMMENTS

Supervisor Higgins recommended the following book:

- *Crossing the Continent* by Robert Goodwin

Supervisor Starling stated holding meetings in a safe manner has been a concern since last March. Supervisor Calci stated the safety of everyone is most important. Zoom is the safest and most effective way to hold a meeting at this time. Supervisor Higgins stated the technology of Zoom is the issue and not township staff.

UPCOMING EVENTS

Due to the pandemic, all upcoming events are being held virtually, and may be modified, rescheduled and/or cancelled to comply with federal and/or local restrictions. Please check the website at www.uprov-montco.org or contact administration at 610-933-9179.

16. Board of Supervisors meeting schedule:

February 16, 2021 at 7:00 p.m. – Regular Meeting

March 15, 2021 at 7:00 p.m. – Regular Meeting

17. Planning Commission meeting schedule:

January 27, 2021 at 7:00 p.m. - CANCELLED

February 10, 2021 at 7:00 p.m.

Agenda Items: TBD

18. Parks and Recreation Committee meeting schedule:

January 20, 2021 at 6:00 p.m.

19. Comprehensive Plan Subcommittee meeting schedule:

January 27, 2021 at 6:00 p.m.

20. Municipal Authority meeting schedule:

February 4, 2021 at 7:00 p.m.

ADJOURNMENT

There being no further business, Supervisor Calci motioned, seconded by Supervisor Pearson, to adjourn the meeting at 10:36 p.m. Motion carried 5-0.

Respectfully Submitted,



Timothy J. Tieperman
Township Manager/Secretary