



**UPPER PROVIDENCE BOARD OF SUPERVISORS  
REGULAR MEETING  
MONDAY, FEBRUARY 4, 2019 – 7:00 P.M.**

**ATTENDANCE:**

**Board of Supervisors:** Helene Calci, Vice Chair; Philip Barker, Supervisor; John Pearson, Supervisor; and Albert Vagnozzi, Supervisor.

**Staff Present:** Timothy J. Tieperman, Township Manager; Bryan Bortnichak, Assistant Township Manager; Mark Toomey, Chief of Police; Sarah Sato, Recreation Coordinator; and Geoff Grace, Director of Planning and Zoning.

**Consultants Present:** Joseph Bresnan, Township Solicitor; William Dingman, Township Engineer; and Kenneth O'Brien, Township Traffic Engineer.

**CALL TO ORDER**

As Vice Chair, Ms. Calci presided over the meeting in Ms. Higgin's absence. Ms. Calci called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

Ms. Calci started the meeting with the Pledge of Allegiance.

**MOMENT OF SILENCE AND RESOLUTION COMMEMORATING NEAL THORPE**  
***For her years of service to the Schuylkill Canal Association and the Community as a whole***

Ms. Calci asked for a moment of silence in memory of Mrs. Neal Thorpe and her contributions to Upper Providence Township and the Schuylkill Canal Association. Mr. Pearson read Commemorative Resolution 2019-13 and gave his sentiments. Neal Thorpe's son, James Gilkyson Stuart (Mont Clare), thanked the Township for honoring her. Mr. Barker motioned, seconded by Ms. Calci, to adopt Commemorative Resolution 2019-13 remembering Mrs. Neal Thorpe. The motion passed 4-0.

Ms. Calci recognized Laurie Higgin's mother who just passed away at 101 years and extended her sympathies on behalf of the Township.

**SWEARING IN OF POLICE DEPARTMENT CHAPLAIN**

***Chief Toomey would like to introduce and swear into office new Police Chaplain Pastor Lamar Eifert.***

Chief Toomey gave an overview of the Chaplain Program implemented in the Police Department and formally introduced Pastor Lamar Eifert. Ms. Calci administered the oath for Pastor Lamar Eifert.

**MOTION TO APPROVE FEBRUARY 4, 2019 BOARD AGENDA**

**Per § 2-2-5 (A) of the Township Administrative Code**

Mr. Vagnozzi motioned, seconded by Mr. Pearson, to approve the February 4, 2019 Board Agenda per § 2-2-5 (A) of the Township Administrative Code. The motion passed unanimously, 4-0.

**EXECUTIVE SESSION:** None

**APPROVAL OF BILL LIST:**

**1. January 16, 2019– January 31, 2019: \$ 170,475.33**

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to approve the bill list from January 16, 2019 to January 31, 2019 in the amount of \$170,475.33. The motion passed unanimously 4-0.

**APPROVAL OF MINUTES:**

**2. January 22, 2019 Regular Meeting**

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to approve the January 22, 2019 Regular Meeting Minutes. The motion passed unanimously 4-0.

**PUBLIC COMMENT:**

Mr. Tom DiBello (President of Spring Ford School Board) said that he wanted to make the Board aware that a member of the Planning Commission (PC) has been reaching out to Spring ford School District (SFSD) members as well as state legislators about the road in front of Oaks Elementary School. He said SFSD does not own the access road.

Mr. Grace informed the Board that the PC member told him she has a child at Oaks Elementary School and inquired about the road. He said that the access road she wanted to tie into belonged to SFSD, and the Township had no intentions of putting a road there. If the District wanted to build an emergency road there, the Township would cooperate but that the District would need to initiate the project. He also said that a member of the Fire Department also inquired about the road from a safety standpoint. Mr. DiBello requested that in the future, the Board of Supervisors should contact the School Board directly. Mr. Grace said that the Township has no control as to whom the Planning Commission members speak.

Mr. Vagnozzi said that the Board of Supervisors is unaware of this issue. He said that if the School Board has a question to ask the Board of Supervisors.

Mr. Bresnan said that it was the Planning Commission member that was circumventing staff. Mr. Grace said that he thought it was a dead issue.

Mr. Pearson asked if there was emergency access to this facility. Mr. Grace said that it was one road in and one road out. Mr. DiBello said that he does not intend to initiate a conversation about a public road.

Mr. Pearson said that any of the Supervisors would be happy to discuss this issue further with the School Board if they had an interest in an access road.

Mr. Zachary Kilroy (1 Orchard Court) discussed his concern about the traffic and safety issues at the intersection of Lewis and Vaughn Roads.

Mr. Mohammad Ahammed (113 Orchard Court) said that in the past 35 days, his house has been hit twice. He said that his family fears for their safety.

Mr. Joe Kilroy (1 Orchard Court) said that the area has grown in population and that the intersection has become dangerous. He asked the Board to improve the safety of this intersection.

Mr. Tim Sherry (3 Orchard Court) said that the drivers disregard the stop sign. He said that something needs to be done with the intersection.

Ms. Amy Robinson (60 Orchard Court) said that she supports her neighbors in Orchard Court.

Ms. Calci thanked everyone for their comments and said that they will look into it.

Mr. Pearson said that he will have the traffic engineer look into it. He said that the Township will make temporary fixes and thanked the residents for bringing it to their attention.

**PUBLIC HEARING:** None

**OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

**3. Review and consider adoption of proposed bylaws governing the conduct of Board of Supervisors meetings.**

Mr. Bresnan said that he will make some minor revisions and circulate the proposed bylaws one last time for the Board Members' consideration.

Mr. Barker said that he will review it but does not understand the purpose of it.

Ms. Calci tabled this item until the next meeting.

**4. Continue deliberations on the proposed pay-to-play ordinance.**

Mr. Pearson suggested tabling this item until the next meeting.

**5. Consider Resolution 2019-14 approving a final subdivision plan for Catskill Farms at 615 Port Providence Road.**

Mr. Bresnan said that the Board was given a Resolution with a blank line because Mr. Mullin and he were discussing a fee in lieu of waivers. He said that number has been decided at a staff level.

Mr. Chuck Petersheim gave an overview of the project. He Thanked the Township for their professionalism during the process.

Mr. Ed Mullin, (HRMM&L) said that they are happy with the Resolution Mr. Bresnan prepared. He said that the fee in lieu of waivers was agreed at \$24,000.

Ms. Calci asked for the list of waivers. Mr. Bresnan said that the waivers were agreed upon in preliminary approval and this Resolution is for final approval.

Mr. Mullin said that they went to the location with staff to see about putting in a roadside trail at the location. He said there is no plan to build a trail because all involved agreed it would be unsafe.

Mr. Pearson questioned the stormwater runoff. Mr. Kim Cryder said that each lot has its own stormwater facility and each of those lets out onto the lawn area which then goes to the floodplain. He said none of it goes directly to the road. He said it then goes out to the lawn and that there are no pipes. Mr. Pearson said that he is concerned about the runoff.

Mr. Petersheim said that they had to be engineered out of the 1,000 year floodplain. He explained why he believes the drainage will be improved.

Mr. Barker asked if the bio-retention basins do not work, whose responsibility is it to make them work. Mr. Cryder said that there is an operation and maintenance agreement between the developer and the Township.

Mr. Dingman said that the operation of maintenance is recorded against the property and goes with the land. He said that the next person who buys the property is still responsible for the maintenance.

Mr. Barker asked what happens if it was put in incorrectly. Mr. Cryder said that it is part of the NPDES permit that is must be installed correctly.

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to adopt Resolution 2019-14 approving a final subdivision plan for Catskill Farms at 615 Port Providence Road. The motion passed unanimously 4-0.

**6. Receive update on the Township’s first annual UP! Music Festival and consider adoption of Resolution 2019-09 permitting the consumption of brewed alcoholic beverages at Anderson Farm during the event.**

Mr. Tieperman gave a background and overview of the event. He said that Mr. Tim Williams is dedicating his personal pro bono time in helping organize this 1<sup>st</sup> annual music festival. He explained that Mr. Williams is a Township resident and wants to give back to the community. He said that the budget is around \$5,000 for the incidental costs, which will be derived from the Township’s budgeted recreation program accounts. He said that the concerts are scheduled from 12:00 p.m. to 9:00 p.m. and that this event will serve as a kickoff to the Township’s summer concert series. He said that the Township will receive ten percent of the profits from all alcohol and food purchases and that there is also a cancer charity aspect of the event.

Mr. Barker asked if the \$5,000 is going to the bands and how that money is generated since it is a free event. Mr. Vagnozzi also questioned how the \$5,000 would be spent. Ms. Sato said that the money goes back to the bands and the amount is decided per band member. Mr. Tieperman said the Township will recuperate some of the money from the sales of food and beverages. Ms. Sato said that the foundation is gathering sponsors and will be holding raffles to cover the charity aspect of the event. She said that this is separate from the money going towards the bands. She said that this is a special event and a way to kick off the summer concert series. Mr. Barker agreed it is a good way to start the concert series.

Mr. Barker asked whether Mr. Williams is getting compensated through his band. Recreation Coordinator Sara Sato responded that they are essentially paying his band like a concert series. She said that the breakdown in fee goes to every band member in each band, since they are setting aside two weekends for the event.

Mr. Vagnozzi asked if they were going to advertise. Ms. Sato said that a separate website is being built for the event for free. She said that they are advertising through local businesses, using signs, and using the band followings to promote the event. She said that interest has already been received on Facebook. Ms. Sato said that she is happy to sit down and discuss it with the Board members.

Mr. Pearson said that he thinks this is a minimal cost for this type of event. Ms. Calci said that for a full day of entertainment, the cost is not very high.

Mr. Pearson motioned, seconded by Ms. Calci, to adopt Resolution 2019-09 permitting the consumption of brewed alcoholic beverages at Anderson Farm during the event. The motion passed unanimously 4-0.

**NEW BUSINESS (ACTION/DISCUSSION ITEMS):**

**7. Consider appointment to fill a vacancy on the Board of Auditors following the resignation of Walter Lapinsky.**

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to approve the appointment of Sue Lapinsky to fill a vacancy on the Board of Auditors following the resignation of Walter Lapinsky. The motion passed unanimously 4-0.

**8. Consider authorizing advertisement of the 2019 road paving projects.**

Ramsgate Drive
Gateshead Way
Dorsett Circle
Hampshire Court
Fieldcrest Drive
Madison Circle
Springfield Drive
Chestnut Court
Linden Way
Greenwood Drive
Summit Drive
Timber Lane
Springertown Road

Mr. Tieperman said that the road projects will be bid out as Project A and Project B. He said that Project A will be covered by liquid fuels and includes all roads with the exception of Ramsgate Drive, Gateshead Way, and Dorsett Circle.

Mr. Vagnozzi asked if the advertisements would run simultaneously or one after the other. Mr. Dingman said that they will be run simultaneously. Mr. Vagnozzi asked when it would be started. Mr. Dingman replied as soon as they can. Mr. Vagnozzi also asked if they could put a deadline on this project.

Mr. Barker said that Project A is liquid fuels and asked if Project B is budgeted. Mr. Tieperman said that Project B is funded from a portion of the capital financing proceeds. He said they will have to bring the bond to close in March. Mr. Barker clarified that the Township is paying for the project with borrowed money.

Mr. Vagnozzi motioned, seconded by Mr. Pearson, to authorize the advertisement of the 2019 road paving projects. The motion passed 3-1. Mr. Barker opposed.

**9. Consider adoption of Resolution 2019-15 authorizing the submission of a grant application for the 2019 round of the MontCo 2040 Implementation Grant Program to partially fund the construction of a trail connecting the Township’s municipal campus to the Schuylkill River Trail.**

Mr. Bortnichak said that Mr. Grace spearheaded this project. He said that it is an effort to connect the Municipal Campus to the Schuylkill River Trail.

Mr. Grace said that the grant funding is from Montgomery County, whose Comprehensive Plan prioritizes trail connections and usage. He said that the grant is not due until March.

Mr. Pearson asked if the Township received a grant for the trail that this grant is connecting. Mr. Barker and Mr. Dingman agreed.

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to adopt Resolution 2019-15 authorizing the submission of a grant application for the 2019 round of the MontCo 2040 Implementation Grant Program to partially fund the construction of a trail connecting the Township’s municipal campus to the Schuylkill River Trail. The motion passed unanimously 4-0.

**MANAGER AND DEPARTMENT HEAD REPORTS:** None

**CONSULTANT REPORTS:**

Mr. Dingman said that residents may see the survey crews out for the road program for the handicap ramps.

**SOLICITOR’S REPORT:**

**10. Consider authorizing advertisement of an ordinance amending the Township’s fireworks regulations in the Township Code.**

Mr. Bresnan said he has prepared a repeal ordinance after the change in state law was brought to his attention by Chief Toomey and Mr. Bortnichak. He said that the state adopted a new fireworks law. He said that the Township had an ordinance, and to avoid inconsistencies, he is proposing they repeal the language in the Township ordinance and adopt the state law.

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to authorize advertisement of an ordinance amending the Township’s fireworks regulations in the Township Code. The motion passed unanimously 4-0.

**SUPERVISOR’S COMMENTS:**

**11. Old State Road Sewer Main Extension Informational Meeting on Thursday, February 28, 2019 at 7:00PM at the Upper Providence Township Municipal Center**

Ms. Calci announced that the Old State Road Sewer Main Extension Informational Meeting is on Thursday, February 28, 2019 at 7:00 p.m. at the Upper Providence Township Municipal Center.

**ADJOURNMENT**

Mr. Bresnan said a brief Executive Session on a litigation matter will be held tonight. He said that no action is needed tonight so the Board could adjourn.

There being no further business, Mr. Pearson motioned, seconded by Mr. Vagnozzi, to adjourn the meeting at 8:13 P.M. The motion passed unanimously 4-0.

Respectfully Submitted,

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Timothy J. Tieperman  
Township Manager/Secretary