



**UPPER PROVIDENCE BOARD OF SUPERVISORS  
REGULAR MEETING  
Tuesday, February 18, 2020 – 7:00 P.M.**

**ATTENDANCE**

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

**Staff Present:** Timothy J. Tieperman, Township Manager; Bryan Bortnichak, Assistant Township Manager; Chief Mark Toomey, UPT Police Department; Arielle Simmons, Communications Officer; and Cheryll Schinski, Administrative Services Manager.

**Consultants Present:** Geoffrey Grace, Zoning Officer; Joseph Bresnan, Esquire, Township Solicitor; William Dingman, Township Engineer and Casey Moore, Township Traffic Engineer.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Supervisor Calci started the meeting with the Pledge of Allegiance.

**MOTION TO APPROVE BOARD AGENDA**

Supervisor Pearson motioned, seconded by Supervisor Higgins, to approve the February 18, 2020 Board Agenda, per § 2-2-5 (A) of the Township Administrative Code. Motion carried 5-0.

**PUBLIC COMMENT**

Joe Peters (9 Dana Drive). Mr. Peters asked about the infrastructure funding process in relation to the last budget cycle. He would like an update on the funding status of past projects that have been approved. He would like the Board to provide an update on the emergency services facility project.

Jack Kraft (159 Woodland Avenue). Mr. Kraft discussed the sketch plans from SEI and their request to move the Perkiomen Trail to build a connector road between North and South Reber Roads. He stated this is part of SEI's plan to close Upper Indian Head Road. He feels that this would be a disastrous plan. SEI has claimed that this project would have minimal impact on the surrounding neighbors, to which Mr. Kraft disagrees. Mr. Kraft presented the Board handouts showing the various changes to the neighborhood. He is concerned that SEI will be removing the rest of the trees that provide a buffer between its campus and the neighborhood. Neighbors will experience more noise and light pollution. By putting in a connector road,

drivers will regularly intersect the Perkiomen Trail, which Mr. Kraft believes is a safety hazard. He also believes that any new connector road parallel to the Perkiomen Trail will become a de facto bike path. The neighborhood does not want Upper Indian Road closed nor does it want the connector road between North Reber and South Reber Roads. Supervisor Pearson stated that he and Supervisor Starling went to the area in question the previous weekend.

Brad Kingston (473 Lower Indian Head Road). Mr. Kingston stated that the neighborhood is united in their objection to SEI's plans. He and his wife both make their living in the real estate market and recently purchased their property with the intent of a building a home. He described the nature surrounding the creek and his property, and further stated this was an important reason in their desire to live there. He feels that if SEI is given the opportunity to construct a connector road between North Reber and South Reber Roads, the natural pristine setting will be disturbed to a point of non-recovery. He does not agree with the closing of Upper Indian Head Road. He feels that moving the trail would be unsafe and it would invite more cars into the neighborhood. Supervisor Vagnozzi stated that the Board has been actively engaged with the SEI project.

### **EXECUTIVE SESSION**

None

### **APPROVAL OF BILL LIST**

#### **1. January 16, 2020 – February 12, 2020: \$1,791,801.57**

Supervisor Starling motioned, seconded by Supervisor Pearson, to approve the bill list for the period of January 16, 2020 – February 12, 2020, in the amount of \$1,791,801.57. Motion carried 5-0.

### **APPROVAL OF MINUTES**

#### **2. January 21, 2020 Regular Meeting**

Supervisor Pearson motioned, seconded by Supervisor Starling, to approve the minutes of the January 21, 2020 regular meeting. Motion carried 5-0.

#### **3. February 3, 2020 Workshop Meeting**

Supervisor Starling motioned, seconded by Supervisor Pearson, to approve the minutes of the January 6, 2020 workshop meeting. Motion carried 5-0.

### **PUBLIC HEARING**

None

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

**4. Consider authorizing advertisement of Ordinance 582 changing the sanitary sewer billing frequency from quarterly to semiannual with an effective date of October 1, 2020**

Supervisor Calci stated that this was tabled from a previous meeting to solidify the cost savings and make sure of resident notifications. Mr. Tieperman stated that costs savings is approximately \$22,000. He further stated that notifications will be sent to residents. The April and October sewer bills, the next two township newsletters and a separate postcard will be sent to residents over the summer outlining the changes. The announcement will also be put on the website and social media.

Supervisor Starling motioned, seconded by Supervisor Pearson, to authorize advertisement of Ordinance 582 changing the sanitary sewer billing frequency from quarterly to semi-annual with an effective date of October 1, 2020. Motion carried 5-0.

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

**5. Consider adopting Resolution 2020-11 for preliminary/final land development approval for Wirant Dental Office, 429 S. Lewis Road, Royersford**

John Iannozzi, Esquire (attorney for applicant). Attorney Iannozzi discussed the specifics of the project. Applicant would like to demolish the existing structure on the property and construct a two-story medical office building. Dr. Wirant has operated a dental practice in the township for over twenty years and is looking to expand his office. There will be one medical office in the building but there is room for expansion. The pool behind the property will be removed. Additional trees have been added to the landscape plan. The neighboring day care is not interested in having a shared driveway. Timeframe for completion will be spring of next year. Solicitor Bresnan stated that the proposed resolution includes the traffic impact fee.

Supervisor Pearson motioned, seconded by Supervisor Starling, to adopt Resolution 2020-11 for preliminary/final land development approval for Wirant Dental Office, 429 S. Lewis Road, Royersford. Motion carried 5-0.

**6. Consider adopting Resolution 2020-12 for final land development approval for Pope John Paul II High School lighting**

Greg DiPippo, Esquire (attorney for applicant). Attorney DiPippo requested that the Board grant final approval to the plan that was recommended by the Planning Commission. Supervisor Pearson wanted clarification on non-light pollution lights. John Rizzo (lighting consultant). Mr. Rizzo stated that the actual source of light is completely covered by a patented visor which directs the light only on to the field of play with no light pollution to neighbors. He further stated that the designs show 0.0 footcandles at all property lines, about 160 feet off the field. Mr. Rizzo stated that parking lot lighting can be significantly reduced as well; however, he is working on the field lighting project.

Bill Carrol (PJP High School Representative). Mr. Carroll stated that a letter was sent to the neighbors surrounding the campus about a meeting to discuss the project. At the meeting, a few residents asked about the existing parking lot lights but there were no complaints about the field lighting. Mr. Carrol stated the school is looking into the parking lot lighting. Solicitor Bresnan stated that the original plans had note that if new lighting were added, a new plan would be submitted which is the current plan before the Board. This plan is not in recordable form and does not include the parking lot lighting, just the stadium lighting. The resolution states that the lights would be turned off at 11:00 p.m. Mr. Dingman stated his office reviewed the plan and found it acceptable.

Supervisor Vagnozzi motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-12, granting final land development approval for the high school stadium lighting. Motion carried 5-0.

Supervisor Vagnozzi stated that going forward the Board would like to see the overall plan for the stadium and not separate plans for each item, i.e. the lighting plan that was approved and now there is a submitted plan for bleachers.

**7. Consider adopting Resolution 2020-13 for preliminary/final plan approval for 188 Bechtel Road Subdivision**

John Panizza (representative for applicant). Mr. Panizza requested preliminary (only) approval for this project. Solicitor Bresnan stated that the resolution was drafted for preliminary/final approval but can be amended for preliminary only. The reason for the request is that applicant would like to make a few changes to the plan, including escrows and obtaining an NPDES permit. Solicitor Bresnan stated that if a lot of changes are made to the original plan, it could be tantamount to a new plan. Mr. Panizza stated that the applicant is going to incorporate the recommendations from the Planning Commission, allowing for a more complete plan.

Supervisor Vagnozzi asked about the road connections. He is concerned about a connection being used as a throughway. Mr. Grace stated that this developer is not building the connection; however, a connection is recommended by staff at a future time.

Solicitor Bresnan discussed the differences between preliminary and final plan approval. Preliminary is the most important step because it is implied that final approval will be given if the applicant satisfies the conditions attached to the preliminary plan. Final approval shows that the applicant has met all of the conditions from the preliminary approval. When they are combined into one approval, there are no meaningful conditions that require another round of review. Previously there was not a final approval process in the township, and a letter from the consultants saying the applicant satisfied all of the conditions was sufficient. However, case law requires that the township provide final approval of a plan.

Mr. Panizza stated that this is an 8-lot project. There are no issues and all of the consultant letters are will comply. He is requesting preliminary approval at this time. Solicitor Bresnan stated staff would make the determination if any changes to a preliminary plan would be construed as a new plan. Mr. Moore stated that the resolution states there will be compliance

with all of the consultants' letters. He further stated that applicant is not disputing anything in the consultants' letters but looking to present a clean final plan. Mr. Panizza stated that he will present letters of credit and escrow agreements to include with the final plan submission.

Supervisor Starling motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-13 for preliminary plan approval for 188 Bechtel Road Subdivision. Motion carried 5-0.

**8. Consider adopting Resolution 2020-14 for preliminary/final land development approval for Murphy Lot Line Change/minor subdivision, 210 Amelia Street, Mont Clare**

Steve Tabakelis (representative for applicant). Mr. Tabakelis discussed the project which involves two adjoining lots, 210 and 212 Amelia Street. The applicant is looking to annex a portion of lot 1 (210 Amelia) to lot 2 (212 Amelia), specifically 1,106 square feet containing an existing garage. Applicant currently resides at 212 Amelia and rents 210 Amelia. Applicant will address all comments in the review letters from Gilmore and Grace Planning. Applicant is looking for one waiver from showing all existing features within 100 feet of the property. As applicant owns both properties, he feels this would be restrictive.

Supervisor Pearson motioned, seconded by Supervisor Higgins, to adopt Resolution 2020-14 to adopt preliminary/final land development for the Murphy Lot Line Change/minor subdivision, 210 Amelia Street, Mont Clare. Motion carried 5-0.

**9. Consider adopting Resolution 2020-16 for a MontCo 2040 Grant Application for the Rivercrest trail**

Mr. Bortnichak stated that Board, during its Capital Budget discussions, approved the design of the Rivercrest Trail. This resolution is seeking authorization to allow the Township manager to sign a grant application for a MontCo 2040 Grant. This project would allow for the connection of a trail from the Black Rock Road campus through Rivercrest to the Schuylkill River Trail East (Lock 60 Trail). The Lock 60 Trail is almost complete.

Supervisor Pearson motioned, seconded by Supervisor Starling, to adopt Resolution 2020-16 to allow the Township Manager to execute paperwork for apply for a MontCo 2040 Grant for the Rivercrest Trail project. Motion carried 5-0.

**10. Consider awarding a bid for the Egypt Road Adaptive Signal Control project partially funded by a Green Light Go grant**

Mr. Moore introduced Matt Kozsuch who is the project manager for this project. He further stated that this project has been going on for some time. It is partial funded by a Green Light Go grant. Bids were submitted and received last week. Consultants and staff recommend awarding the bid to CMI, the lowest responsible bidder.

Mr. Kozsuch discussed the particulars of the adaptive signal control system. The start date for this project would be as soon as possible because the PennDOT grant expires in June. This project is forecasted to be completed and working by mid-summer 2020. The project encompasses 6 lights from Black Rock Road to Cider Mill Road. The system can be adjusted as

needed due to large events in the area. PennDOT will also have access to the system in the event of an emergency. The primary detection at each intersection is a video camera and the feeds can be accessed to determine the cause of a traffic problem. Azeez Abdul (508 Andover Lane). Mr. Abdul had questions about the technology of the system. Mr. Kozsuch discussed the technical aspects of the system and stated that there will be radar used for advanced detection.

Supervisor Pearson motioned, seconded by Supervisor Starling, to award the bid for the Egypt Road Adaptive Signal control project partially funded by a Green Light Go grant to CM High, Inc., in the amount of \$297,000.

**11. Consider authorizing the advertisement of bids for intersection and traffic signal improvements at Township Line Road and Linfield Trappe Road**

Mr. Moore discussed the proposed updates for this intersection, including providing left turn lanes. The updates should help with capacity. This project is on the boundary with Limerick Township and Limerick is involved in preparing the paperwork. There are rights-of-way needed for the intersection update and that issue is being discussed at the Limerick Township meeting. Mr. Moore stated that no additional property would be required for the implementation of the turn lanes. Limerick Township has agreed to contribute the match to the Green Light Go grant of \$58,000 of the approximate \$1.2 million dollar project. The Township is using approximately \$600,000 in developer contributions that have been paid or are due to the Township and would still be responsible for approximately \$300,000. Mr. Bortnichak has had discussions with Dan Kerr, Limerick Township Manager, about sharing construction and observation inspection costs. Mr. Bortnichak discussed the calculation of developer costs. Impact fees can be used to help cover the costs of the improvements as long as the fees were identified in the same district.

Supervisor Higgins motioned, seconded by Supervisor Starling, to authorize the advertisement of bids for intersection and traffic signal improvements at Township Line Road and Linfield Trappe Road. Motion carried 5-0.

**12. Consider awarding a bid award to Gilmore & Associates, in the amount of \$63,321.25 for the preparation of the Parks Master Plan**

Mr. Tieperman stated that this is a 2020 budgeted item. An RFP was sent to prequalified consultants. The last comprehensive update of the Parks Master Plan was 15 years ago. The proposals were reviewed and a scoring matrix completed. Staff recommends awarding the bid to Gilmore and Associates who attained the highest cumulative score. Mr. Dingman stated Kent Baird from his office will be the project manager. He further stated that the overall needs and uses of each park and open space will be looked at with recommendations provided. Mr. Tieperman stated that Taylor Farm and the Parkhouse tract will be reviewed. Potential locations for a library will also be considered. This is a budgeted item for 2020.

Supervisor Pearson motioned, seconded by Supervisor Higgins, to award the bid to Gilmore & Associates for the preparation of the Parks Master Plan in the amount of \$63,321.25. Motion carried 5-0.

Mr. Dingman stated that the project is on a 9-month schedule, wrapping up by the end of the year. Mr. Grace stated that the goal is to have the Parks Master Plan, the Complete Streets policy and the Comprehensive Plan run simultaneously and be completed by the end of the year.

**13. Consider declaring a vacancy on the Parks and Recreation Board and filling the vacancy with a newly appointed member for the balance of the term that expires December 31, 2021**

Supervisor Pearson motioned, seconded by Supervisor Starling, to declare a vacancy on the Parks and Recreation Board and appoint Taylor Green to fill the vacant term that expires December 31, 2021. Motion carried 5-0.

**14. Consider accepting resignations from Clinton Jackson and Kevin Holohan from the Zoning Hearing Board**

Supervisor Pearson motioned, seconded by Supervisor Higgins, to accept the resignations of Clinton Jackson and Kevin Holohan from the Zoning Hearing Board. Motion carried 5-0.

**15. Consider adopting Resolution 2020-17 appointing two members to the Zoning Hearing Board**

Supervisor Pearson motioned, seconded by Supervisor Starling, to appoint Nicole Lydane to a term expiring December 31, 2020, and Azeez Abdul to a term expiring December 31, 2021 to the Zoning Hearing Board. Motion carried 5-0.

**16. Consider authorizing a permit fee waiver for Laurel House's 7th Annual Walk A Mile In Her Shoes event**

Supervisor Pearson motioned, seconded by Supervisor Higgins, to waive the special events permit fee for Laurel House's 7<sup>th</sup> Annual Walk A Mile In Her Shoes event. Motion carried 5-0.

**17. Consider adopting Resolution 2020-18 allowing for the Township Manager or Assistant Township Manager to authorize the waiver of special event permit fees not in excess of \$200**

Supervisor Starling motioned, seconded by Supervisor Higgins, to adopt Resolution 2020-18 to allow the Township Manager or Assistant Township Manager to authorize the waiver of special event permit fees not in excess of \$200. Motion carrier 5-0.

**18. Consider approving a proposal from The Center for Public Safety Management to conduct a comprehensive analysis of police services**

Mr. Tieperman discussed the proposal from The Center for Public Safety Management. The study should last between 90-120 days. The cost for the study is \$51,000. The service agreement has been reviewed by the solicitor.

Supervisor Higgins motioned, seconded by Supervisor Pearson, to approve the proposal from The Center for Public Safety Manager to conduct a comprehensive analysis of police services. Motion carried 5-0.

## **MANAGER AND DEPARTMENT HEAD REPORTS**

None

## **CONSULTANT REPORTS**

### **19. Engineering and capital improvement project updates**

Mr. Dingman stated the Road Projects A and B are out for bid. The bids for Project A will be discussed at the March meeting, Project B at the April meeting. The goal is to have both projects completed before Labor Day.

A meeting was held with the DEP and Army Corp. of Engineers to discuss the emergency services facility. There were verbal and email comments stating that the project is heading in the proper direction. There is an issue of unregulated wetlands which were created by ongoing construction activities. The hope is a permit will be issued in the short term but possibly 6 months. Mr. Bortnichak stated staff is comfortable with having the civil design of the site started. The pressing issue is to have the civil plans delivered to the Montgomery County Conservation District.

The sewer projects have been submitted to the DEP for planning module approval. The survey work at Tindy Run is almost complete.

There is confirmation of eggs in the eagles' nest located in the Township.

## **SOLICITOR'S REPORT**

### **20. Consider authorizing the solicitor to execute the Stipulation to Settle regarding an assessment appeal filed by PBC Schell Lane-3 LP, 200 Schell Lane**

Solicitor Bresnan discussed the Stipulation to Settle regarding the assessment appeal filed by PBC Schell Lane. The assessed value was negotiated down from \$2.7 million dollars to \$2.2 million dollars.

Supervisor Higgins motioned, seconded by Supervisor Pearson, to authorize the solicitor to execute the Stipulation to Settle regarding an assessment appeal filed by PBC Schell Lane-3 LP, 200 Schell Lane. Motion carried 5-0.

## **SUPERVISORS COMMENTS**

Supervisor Vagnozzi stated that the fire hydrants in the Township need to be painted and maintained. The top of the hydrant should be reflective. Mr. Bortnichak stated previously the Department of Fire and Emergency Services hired a summer intern to paint the hydrants. Staff

has been in contact with the water department but no definitive solution has been reached. The Township pays an annual rental to the water company for the maintenance of the hydrant.

Supervisor Higgins recommended the book “The Thirteenth Tale.”

## **UPCOMING EVENTS**

Supervisor Calci announced the following upcoming events:

**21. Board of Supervisors meeting schedule:**

March 16, 2020 at 7:00 p.m.

April 20, 2020 at 7:00 p.m.

**22. Planning Commission meeting schedule:**

February 26, 2020 at 7:00 p.m.

Agenda Items: Cancelled

March 11, 2020 at 7:00 p.m.

Agenda Items: Barker Subdivision/Reynolds

**23. Parks and Recreation Committee meeting schedule:**

February 19, 2020 at 6:00 p.m.

**24. Comprehensive Plan Subcommittee meeting schedule:**

February 19, 2020 at 7:00 p.m.

**25. Municipal Authority meeting schedule:**

April 2, 2020 at 7:00 p.m.

## **ADJOURNMENT**

There being no further business, Supervisor Starling motioned, seconded by Supervisor Pearson to adjourn the meeting at 8:37 p.m. Motion carried 5-0.

Respectfully Submitted,



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Timothy J. Tieperman  
Township Manager/Secretary