



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

ATTENDANCE:

Board of Supervisors: Laurie Higgins, Chair; 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; and Geoff Grace, Director of Planning and Zoning.

Consultants Present: Joseph Bresnan, Township Solicitor; William Dingman, Township Engineer; Michael Coyne, Township Engineer; and Casey Moore, Township Traffic Engineer.

CALL TO ORDER

Ms. Higgins called the meeting to order at 7:05 P.M.

PLEDGE OF ALLEGIANCE

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

MOTION TO APPROVE FEBRUARY 19, 2019 BOARD AGENDA
Per § 2-2-5 (A) of the Township Administrative Code

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

EXECUTIVE SESSION:

Ms. Higgins stated that there was a February 19, 2019 Executive Session to discuss matters of litigation.

APPROVAL OF BILL LIST:

1. February 15, 2019– February 28, 2019: \$ 141,187.81

Mr. Pearson motioned, seconded by Mr. Vagnozzi, to approve the bill list from February 15, 2019 to February 28, 2019 in the amount of \$141,187.81. The motion passed unanimously 5-0.

APPROVAL OF MINUTES:

2. February 4, 2019 Regular Meeting

Ms. Calci motioned, seconded by Mr. Pearson, to approve the February 19, 2019 Regular Meeting Minutes. The motion passed unanimously 5-0.

PUBLIC COMMENT:

Mrs. Lisa Mossie (311 Montgomery Avenue) inquired about the weekly 3:00 p.m. Tuesday briefings that the Board conducts with Township administration. She noted that the agenda of these meetings are not publicly posted, nor are there minutes taken of these meetings. She alleged that this is not transparent government.

PUBLIC HEARING:

There was no scheduled public hearing this evening.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

3. Consider adoption of Ordinance 573 amending Chapter 169 of the Township Code to prohibit parking along a section of Norwood Street and 2nd Avenue.

Ms. Calci motioned, seconded by Mr. Pearson, to adopt Ordinance 573 amending Chapter 169 of the Township Code to prohibit parking along a section of Norwood Street and 2nd Avenue. The motion passed unanimously 5-0.

4. Consider adoption of Ordinance 574 amending Chapter 122 of the Township Code repealing the prohibition of fireworks.

Ms. Calci motioned, seconded by Mr. Pearson, to adopt Ordinance 574 amending Chapter 122 of the Township Code to repeal the prohibition of fireworks. The motion passed unanimously 5-0.

5. Consider adoption of Resolution 2019-18 approving the final subdivision plan for the property at Old State and Hafner Roads.

Mr. Tom Smith, P.E. of Bersek & Smith Engineering, appeared on behalf of his client, Clinton Starkey, owner of 296 Hafner Road. Mr. Starkey is interested in subdividing 296 Hafner Road into three lots. Mr. Smith said his client is seeking numerous waivers from road widening, curbs, sidewalks and some landscaping requirements, waivers which the Township Planning Commission recommended but which the Township Staff and Consultants agreed could be waived in exchange for an acceptable fee.

Mr. Bresnan stated that the proposed Resolution has a blank, since both parties have not yet agreed on a fair number. He estimated that a \$17,000 balance remains after the completion

of the storm water management improvements. Mr. Smith argued that the Board should require no fee since Lot 1 will be left alone. After some additional deliberation and negotiation, both parties agreed to a \$10,000 fee to be divided equally among the two lots to be developed.

The applicant requested that it be allowed to pay the fee in conjunction with the building permit fees, which Bresnan stated was contrary to the standard practice of paying the entire fee prior to recording. The Board deliberated and agreed to a compromise, whereby \$5,000 would be paid prior to recording and the remainder paid prior to the final building permit.

Mr. Barker inquired whether the \$4,000 park fee will be included in the approval Resolution. Mr. Grace responded that this fee is collected at the building permit phase and is not typically included in the final resolution.

Mr. Pearson motioned, seconded by Ms. Calci, to adopt Resolution 2019-18 as drafted and to insert \$10,000 as the negotiated value of the waivers, with half payable prior to recording and half prior to the final building permit. The motion passed unanimously 5-0.

6. Consider authorizing the advertisement of bids for construction of the Lock 60 – Upper Schuylkill Valley Park Trail Project.

Mr. Bortnichak explained that this action will authorize bids. He explained that Mr. Bresnan is currently working with the County Solicitor to prepare a cost sharing agreement between Township and the County. He reported that there is mutual agreement between the Township and County professional staffs regarding these terms.

With that clarification noted, Mr. Pearson motioned, seconded by Ms. Calci, to authorize the advertisement of bids for the construction of the Lock 60 – Upper Schuylkill Valley Park Trail Project. The motion passed unanimously 5-0.

7. Consider authorizing legal advertisement of Ordinance 575 authorizing the repurposing of 2017 Capital Financial proceeds to fund a portion of the costs for a new regional emergency services facility.

Mr. Tieperman explained that on March 20, the \$10 million line of credit that the prior Board authorized in 2017 will convert to a long-term debt instrument. Approximately \$6.8 million remains from this original line of credit, which may be used to fund a portion of the new emergency services facility. To authorize this change, however, the Board would need to authorize a repurposing of these funds by amending the original ordinance that approved the initial \$10 million borrowing. He said that the 2019 budget already includes the debt service for the full \$10 million and that the unused proceeds are currently in an interest bearing account.

Mr. Pearson motioned, seconded by Ms. Calci, to authorize the legal advertisement of Ordinance 575 authorizing the repurposing of 2017 Capital Financial proceeds to fund a portion of the costs for a new regional emergency services facility. The motioned passed unanimously 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. Review proposed Policy #7 regarding replacement of mailboxes.

Mr. Tieperman said this is a past practice that Staff would like to codify into a consistent policy as it relates to damaged mailboxes due to any Township-sanctioned event, whether it be snowplowing, road maintenance or any related activity. He said the intent was to introduce the draft tonight for Board discussion and to consider action at the next meeting. Some Board members had questions how Staff arrived at the \$85 number. Mr. Tieperman responded that the number was based on prevailing prices at Home Depot, Lowes and other hardware stores and can be modified if necessary in the future. There being no further comment, the policy draft will be placed on the March 18 agenda for adoption.

MANAGER AND DEPARTMENT HEAD REPORTS:

9. Discuss potential Upper Providence Veteran’s Memorial Project

Mr. Tieperman stated this project started out as a simple Eagle Scout concept idea that has grown in scope where some Board policy guidance is needed. He posed the following issues for the Board’s discussion and deliberation:

- a) What type of memorial would be the best fit for UPT?
- b) Where should the memorial be located?
- c) What would be the project budget?
- d) What would be the proper mix of public and private funds to finance the memorial?
- e) What’s an acceptable timeline?

Ms. Higgins opined that the memorial should be located somewhere on the Black Rock campus and perhaps encourage a competition among area professionals or trade schools.

CONSULTANT REPORTS: None

There were no consultant reports.

SOLICITOR’S REPORT:

10. Discuss draft procedural rules for futher BOS meetings

Mr. Bresnan noted that the Board had been operating without the guidance of any procedural rules for its meetings. He said the traditional Robert’s Rules require a parliamentarian to administer and are usually too complex for small municipal governments. He prepared a stripped-down version for the Board’s consideration modeled after the University of North Carolina’s Institute of Small Local Government. In response to a question posed by Supervisor Vagnozzi regarding the apparent omission of the 3-minute rule for public comment, Mr. Bresnan responded that the intent of these procedures is to address Board interaction among themselves, that these other issues are covered by the recently updated Administrative Code.

The Board took no action, pending further review by Board members and further discussion at the next regular meeting.

11. Review status of pay to play ordinance

Mr. Bresnan recapped the discussion on the pay to play ordinance draft based on feedback from his partner, Eric Frey, who attended the February 19 meeting. He had circulated a February 26 email summarizing three primary concerns raised at that meeting. He inquired whether there were any additional concerns over the draft.

Mr. Vagnozzi said that the purpose of this ordinance, considering there are already state election and ethics laws that address these pay to play issues. Furthermore, he stated that the ordinance would only affect three Township consultants. Ms. Calci agreed that she had proposed this ordinance based on a simple concept of transparency but that the discussions have since grown more complex. Mr. Bresnan stated that the ordinance's original concept was good but that the challenge would be its enforcement. He stated that criminal offenses can already be referred without this ordinance.

After further deliberation the Board unanimous agreed to take no further action on this proposed ordinance.

SUPERVISOR'S COMMENTS:

Ms. Higgins reviewed the three public hearings scheduled for April 1:

- a) Public Hearing by the Traffic Impact Fee Advisory Committee to consider the Act 209 Capital Improvement Plan (6:00 p.m.);
- b) Public Hearing by the Board of Supervisors to consider a request from Pulte Homes to rezone the properties at 1701 / 1709 Ridge Pike from NC to R3 (7:00 p.m.);
- c) Public Hearing by the Board of Supervisors to consider a Conditional Use Application requesting a flexible letting options for the property at 395 Greenwood Avenue (7:00 p.m.)

Mr. Vagnozzi followed up on Mrs. Mossie's public comments regarding the Board's Tuesday afternoon meetings and asked that they be ended, citing numerous reasons, among them being his inability to attend them and the fact that some items have appeared on the Board agenda that was discussed at these briefings in which he was not in attendance.

There was substantial discussion on the pros and cons of whether to continue these weekly briefings. At the end of these discussions, Mr. Vagnozzi motioned, seconded by Mr. Pearson, to cancel all future Tuesday afternoon briefings. The motion passed unanimously 5-0.

It was agreed that in lieu of these briefings, the Board Chair would meet with the Township Manager, who will then keep the Board apprised on all pending issues through his regular reports to the full Board.

As a final point of business, Ms. Higgins recommended two books to read: *Educated* by Tara Westover; and *Black Beauty* by Anna Sewell.

ADJOURNMENT

There being no further business, Mr. Pearson motioned, seconded by Ms. Calci, to adjourn the meeting at 8:15 P.M. The motion passed unanimously 5-0.

Respectfully Submitted,



Timothy J. Tieperman
Township Manager/Secretary