



**UPPER PROVIDENCE BOARD OF SUPERVISORS
REGULAR MEETING
MONDAY, APRIL 1, 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, Esquire, Township Solicitor; William Dingman, Township Engineer; Michael Coyne, Township Engineer; and Casey Moore, Township Traffic Engineer.

CALL TO ORDER

Supervisor Higgins called the meeting to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE

Supervisor Higgins started the meeting with the Pledge of Allegiance.

MOTION TO APPROVE APRIL 1, 2019 BOARD AGENDA
Per § 2-2-5 (A) of the Township Administrative Code

Supervisor Pearson motioned, seconded by Supervisor Calci, to approve the April 1, 2019 Board Agenda per § 2-2-5 (A) of the Township Administrative Code. The motion passed unanimously 5-0.

EXECUTIVE SESSION: None

APPROVAL OF BILL LIST:

1. March 14, 2019 – March 28, 2019: \$314,281.79

Supervisor Vagnozzi requested an update from Mr. Tieperman on the amount of purchased road salt. Supervisor Vagnozzi motioned, seconded by Supervisor Calci, to approve the bill list from March 14, 2019 to March 28, 2019 in the amount of \$314,281.79. The motion passed unanimously 5-0.

APPROVAL OF MINUTES:

2. March 18, 2019 Regular Meeting

Supervisor Calci motioned, seconded by Supervisor Pearson, to approve the March 18, 2019 Regular Meeting Minutes. The motion passed unanimously 5-0.

PUBLIC COMMENT:

Dr. Joseph Jacovino (99 Yerkes Road) expressed his concerns about the proposed rezoning project on Yerkes Road, draft ordinance and potential commercial project. Solicitor Bresnan replied that the Township did not propose anything, the area is currently zoned commercial and that any proposal would have to go through the proper Township procedures.

PUBLIC HEARING:

3. Public Hearing by the Board of Supervisors to consider a Conditional Use Application requesting a flexible lotting option for the property at 395 Greenwood Avenue.

Solicitor Bresnan explained the flexible lotting process, opened the hearing and marked the relevant exhibits. Applicant's attorney Bernadette Kearny, Esquire also marked exhibits and presented the witnesses. Richard R. Carroll, III, Hallmark Developers, and Richard C. Mast, Mast Engineering, were sworn in as witnesses.

Supervisor Barker questioned the 50 foot buffer and asked if it was the responsibility of the Home Owners Association (HOA). Mr. Mast said that since it is on private property, the HOA will take care of it.

Supervisor Vagnozzi questioned how the open space will be maintained. He said that the Township does not want another property to maintain. Supervisor Vagnozzi said that he is concerned about the road dedication. He said that he believes a snow plow will have a difficult time turning around in the circle. Mr. Mast said the width of the circle meets the ordinance requirements.

Supervisor Higgins asked about the drainage of the stormwater. Mr. Mast replied the drainage will go to Greenwood Road. Supervisor Higgins also asked if the units would be connected to public water and sewer and, if so, where would the connection begin. Mr. Mast said that connection would have to extend from Knoll Drive. Supervisor Higgins asked if they would need permission from the existing home owners for the connection, and Mr. Mast replied yes or they can build it in the right of way.

Mr. Bob McCormick (1633 Main Street) questioned the time frame of the project. Mr. Mast said that they would need to complete the land development process, and that they are looking at around a year before any construction.

Mr. Ed Burke (233 Greenwood Avenue) asked about the properties going in on Ridge Pike. He also questioned the parking in this development. Mr. Mast said that each dwelling will have either a two or three car garage. He said that the parking meets the requirements and that the street will allow parking on one side.

Supervisor Higgins asked about the wetlands and soil tests even though the property is marked on the map as wetlands. Mr. Mast said that the map is a good broad guideline but not always accurate. He said that they conducted field investigations and would submit that to the township engineer for review. The ordinance does allow for flexibility with the map. Supervisor Higgins said that part of the property was filled in with used concrete.

Solicitor Bresnan said that the Board has the option to postpone the vote on any conditional use application to allow for further discussion among them as they deem necessary.

Supervisor Barker said that the consultant review letters do not show any deficiencies.

Supervisor Vagnozzi motioned, seconded by Supervisor Calci, to approve the Conditional Use Application for flexible lotting for the property at 395 Greenwood Avenue. The motion passed unanimously 5-0.

Solicitor Bresnan closed the hearing.

Supervisor Calci motioned, seconded by Supervisor Pearson, to approve the tentative sketch plan for 395 Greenwood Avenue subject to the consultant review letters. The motion passed unanimously 5-0.

4. 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.

Solicitor Bresnan gave a background of the requested zoning change and admitted evidence. Applicant's attorney Joseph Kuhls, Esquire explained the history of the project.

Also attending and available to answer any questions are Mr. Rob Holmes and Mr. Rob Hadzor with Pulte, Mr. Timothy Woodrow, civil design engineer and Mr. Jason Schettler.

Mr. John Kennedy recapped the project. He said that the property was zoned neighborhood convenience commercial (NC). He cited a significant softening in the market for commercially zoned real estate. The current proposal includes townhomes in the rear of the property and a park in the front of the property.

Mr. Kennedy presented a plan summary discussing traffic issues, open space and trail connections, the impact of the number of school age children to the district and the parking layout.

Attorney Kuhls presented the Board with various exhibits for review.

Supervisor Barker asked how many bedrooms were in each property and is concerned about the amount of school aged children. Mr. Kennedy said that all of the units would be three bedrooms. Supervisor Barker referenced the Montgomery County Planning Commission (MCPC) review for inconsistencies with the plan.

Supervisor Vagnozzi said that the MCPC did not give a favorable review of the plan. He also said that the Township does not allow alleys or perpendicular parking. He said that he believes the plan does not fit the Township's zoning requirements.

Supervisor Calci said that Mr. Grace reported up to 137 townhouses and the applicant only cited 100. Supervisor Calci also questioned the 20 ft. driveway not being wide enough for two cars.

Supervisor Barker said that he cannot envision a park on Ridge Pike and believes it will be very costly for an HOA. Supervisor Vagnozzi expressed his displeasure for the park and the project. Supervisor Barker said that the density was too high and that he doesn't know if the Township needs a park along Ridge Pike due to safety and costs.

Supervisor Calci questioned if the front of the property could ever be developed commercially. Mr. Woodrow discussed that the front of the property contains wetlands.

Ms. Elizabeth Moser (115 Greenwood Avenue) said that she is concerned with water runoff on to her property. She said that the neighboring homes all have wells and no public sewers. Supervisor Vagnozzi said that with any development, improvement of water runoff is a factor. She also said that she is concerned with traffic safety in the area.

Mr. John Wynne (1635 W. Main Street) said that the entrance to the development does not align with the intersection and believes there is a need for a traffic light. He questioned the berm between the houses and his business. Mr. Wynne also said the map does not show a small creek in the area. The property would need another emergency access. Mr. Woodward discussed an emergency access.

Supervisors Higgins enumerated the roadways in the Township that allow perpendicular parking.

Mr. Ed Burke (233 Greenwood Avenue) questioned the differences in the zoning and questioned the prices of the units. Attorney Kuhls listed the prices.

Mr. Bob McCormick (1633 Main Street) said that the school district will entice more families with children. He questioned if the houses are going to be for sale or rent. Attorney Kuhls said the intention is to sell the units.

Ms. Bianca Klinke (1639 W. Main Street) asked for someone to explain the emergency access road. Mr. Woodrow said it has not been designed yet. He said that once the zoning was in place the plan can then be developed. Ms. Klinke said that with how the plan is currently, it is right up against her property. Mr. Woodrow replied that they will come see her. Ms. Klinke also had concerns about any berm and the additional traffic.

Attorney Kuhls said that traffic engineering did a study based on traffic generated as zoned versus traffic generated as proposed zoned. He said there would be less traffic than what is allowed to be put there.

Solicitor Bresnan closed the hearing.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

5. Consider approval of an Inter-Municipal Agreement with Trappe Borough regarding the joint purchase of portable radios.

Supervisor Vagnozzi motioned, seconded by Supervisor Calci, to approve an Inter-Municipal Agreement with Trappe Borough regarding the joint purchase of portable radios. The motion passed unanimously 5-0.

6. Consider authorizing the advertisement of bids for the Old State Road sanitary sewer main extension project.

Supervisor Vagnozzi motioned, seconded by Supervisor Calci, to authorize the advertisement of bids for the Old State Road sanitary sewer main extension project. The motion passed unanimously 5-0.

7. Consider approval of a bid award to Worcester-based Allan Myers in the amount of \$576,000.00 for 2019 Road Project “B,” being the lowest responsible bidder within budgetary limitations.

Supervisor Calci motioned, seconded by Supervisor Vagnozzi, to award the bid for the 2019 Road Paving Project ‘B’ to lowest bidder Allan Myers, LP in the amount of \$576,000.00. The motioned passed 4-1. Supervisor Barker opposed.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. Consider request of Representative Melissa L. Shusterman for fee waiver for special events application.

Supervisor Barker questioned why the hold harmless waiver was crossed out on the supplemental materials. He said that he has no problem waiving the fee, but he did not want to accept any additional liability. Mr. Bortnichak said that the Board can vote to waive the fee if granted the waiver.

Supervisor Barker motioned, seconded by Supervisor Pearson, to approve a fee waiver for special events application from Representative Melissa L. Shusterman pending the reinstatement of the liability waiver. The motion passed unanimously 5-0.

MANAGER AND DEPARTMENT HEAD REPORTS:

9. Community Needs Survey update.

Mr. Tieperman gave an update of the progress of the results from the Community Needs Survey. Staff has received the final qualitative findings. He is planning an informal meeting shortly with the Supervisor Higgins and Mr. Grace, followed by an advertised public session later this month or early May.

10. Sewer billing privatization update.

Mr. Tieperman said that the sewer billing has been privatized and the Township now uses Berkheimer. He said that the Finance Department is working on logistical issues and the bills are expected to go out tomorrow, April 2, 2019. The Township has been receiving a number of calls on the status of the bills.

CONSULTANT REPORTS:

Mr. Dingman said that Rivercrest is looking possibly to sell their sewer system and connect to public sewer. He said no price has been determined. The Board and Mr. Dingman discussed the rarity of Rivercrest having their own sewer treatment facility. Mr. Tieperman advised that Rivercrest has given the Township right of first refusal to purchase the system. Supervisor Calci questioned why Rivercrest did not want to maintain the system. Mr. Bortnichak advised that the homeowners' association had some liability concerns about continuing to own the system. He also discussed the technicalities with connecting to the sewer treatment plant in Oaks. Mr. Dingman said that Rivercrest is unique and the only development that he is aware of that has its own sewer treatment facility.

SOLICITOR REPORT:

Solicitor Bresnan said that he met in Executive Session with the Board prior to this evening's meeting to request approval to settle a litigation that the Township had with BB&T Bank regarding the removal of money from an escrow account. He said that the Township will receive \$300,000 and will have full control of the development of that intersection.

Supervisor Barker motioned, seconded by Supervisor Calci, to approve the preparation of documents for the settlement with BB&T Bank. The motion passed unanimously 5-0.

SUPERVISORS COMMENTS:

11. Cancellation of April 15, 2019 Board of Supervisors Meeting.

Supervisor Higgins announced the cancellation of the April 15, 2019 Board of Supervisors Meeting.

12. Special meeting scheduled for April 22, 2019 at 7:00 p.m. for disposition of Lock 60 trail bids, approval of a cost sharing agreement with Montgomery County for same, and other business.

Supervisor Higgins announced the special meeting scheduled the April 22, 2019 at 7:00 p.m. for the disposition of Lock 60 trail bids, approval of a cost sharing agreement with Montgomery County for same and other business.

Supervisor Vagnozzi showed photos from a recent vehicle accident at the intersection at Hopwood Road and Route 29. He expressed his concern with the safety of that intersection.

Supervisor Higgins announced that she is currently reading a book by Frederick Douglass as well as rereading the Harry Potter series.

ADJOURNMENT

There being no further business, Supervisor Vagnozzi motioned, seconded by Supervisor Calci, to adjourn the meeting at 9:13 P.M. The motion passed unanimously 5-0.

Respectfully Submitted,



Timothy J. Tieperman
Township Manager/Secretary