



**UPPER PROVIDENCE BOARD OF SUPERVISORS  
REGULAR MEETING  
Monday, May 18, 2020- 7:00 P.M.**

The Board of Supervisors regular meeting held on Monday, May 18, 2020 was held in a virtual only format. Instructions to join the meeting were posted on the Township's website. Township Manager, Timothy J. Tieperman, was the meeting moderator.

**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; Tom Broadbelt, Public Works Director; Don Kelly, Asst. Public Works Director; Richard Livergood, Finance Director; Renee Lorenzo, Asst. Finance Director; Chief Dan Kerrigan, Fire/EMS Services; Rich Ressel, Emergency Management Coordinator; Chief Mark Toomey, UPT Police Department; Julie Mullin, UPT Tax Collector; 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 7:01 p.m.

Supervisor Calci read the following statement from the Board:

During this pandemic, The Board of Supervisors has been in regular communication with Township staff and has been monitoring all the issues impacting residents. Due to social distancing guidelines recommended by the Center for Disease Control and Prevention and the stay at home restrictions set forth by Governor Wolf, this Board of Supervisors meeting will not be held at its normal physical location but rather through this virtual meeting forum for at least the next few months. This meeting was legally advertised, is being recorded this evening and will be uploaded to our website in the same location as other recorded Board of Supervisors meetings. I would like to thank you who registered as attendees for our second virtual meeting. As an attendee, all of you will have the right to speak under public comment later in the meeting. You will see a raised hand symbol on your computer which will alert the host that you wish to make a public comment. At the appropriate time you will be unmuted and allowed to make comments with a 3-minute time limit and consistent with our usual meeting regulations. Consistent with our rules and procedures there will be no question/answer session during public comments. However, if you do have a question on a particular item, we will make sure that the appropriate staff member gets back to you with a response. This virtual forum is new to us and we ask that you bear with us as we ourselves become acclimated to this new format.

## **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Due to this meeting being held in a virtual format, Supervisor Calci requested a moment of silence in remembrance to all those touched by COVID-19. Supervisor Calci went on to thank all of the frontline workers helping to fight this pandemic.

## **MOTION TO APPROVE BOARD AGENDA**

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

## **PUBLIC COMMENT**

Kristin Troutman (1320 Black Rock Road). Mrs. Troutman thanked the supervisors for addressing her concerns over the proposed emergency services facility. Mrs. Troutman was also glad that the compost site was reopened.

Jack and Kristin Kraft (159 Woodlyn Avenue). Mr. Kraft had a question about the timing of the Reber Road sewer work. Early Saturday morning, around 6:30 a.m., several large dump trucks were going to the site. He spoke with Mike McGann from the LPVRS who stated there was not much he could do regarding start times. Mr. Bortnichak stated that the township's noise regulations are part of a nuisance ordinance and are rather dated. There are no specific provisions for construction noise but the hours of 11:00 p.m. to 6:00 a.m. have been enforced. Supervisor Pearson stated that he will also contact Mike McGann. Mr. Dingman stated that the contract includes work time from 6:00 a.m. to 9:00 p.m. Mr. Dingman further stated that concerns on this issue were expressed in the past and the contractor was receptive to a later start time.

Charles Stoll (443 Lower Indian Head Road). Mr. Stoll stated that he is still opposed to any changes to Upper and Lower Indian Head Roads aside from the repairs needed due to the SEI construction project. He further stated that the neighborhood is united in this and residents do not want to drive through SEI's campus to access Cider Mill Road especially since there is no light and traffic gets heavy during rush hours. He commented on a statement made during the March 11, 2020 Planning Commission meeting by Supervisor Vagnozzi. Mr. Stoll feels that the residents are being bullied to change their neighborhood to SEI's advantage. He also stated that possible flooding in the area was never a concern for the township but became an issue when SEI wanted to make changes to the roads. Access to the neighborhood by Reber Road will not remedy the flooding situation as some homes can be cut off from Reber Road. He questions SEI's motivations in purchasing property on either side of Upper Indian Head Road knowing this was the residents' right of way to their houses.

Mr. Tieperman stated that there were no more attendees waiting to speak.

## **EXECUTIVE SESSION**

Supervisor Calci stated an executive session was held on May 15, 2020 to discuss real estate matters involving the Pleasant Lane sewer project. No actions were taken.

### **APPROVAL OF BILL LIST**

#### **1. April 11, 2020 -May 12, 2020: \$459,831.51**

Supervisor Pearson motioned, seconded by Supervisor Starling, to approve the bill list for the period of April 11, 2020-May 12, 2020, in the amount of \$459,831.51. Motion carried 5-0.

### **APPROVAL OF MINUTES**

#### **2. April 20, 2020 Regular Meeting**

Supervisor Starling motioned, seconded by Supervisor Pearson, to approve the minutes of the April 20, 2020 Board of Supervisors Regular Meeting. Motion carried 5-0.

### **PUBLIC HEARING**

#### **3. Comcast Franchise Renewal Public Hearing**

Mr. Tieperman opened the hearing at 7:15 p.m. The full contents of the hearing including public comments can be found on the township's Website in the video recording of the May 18, 2020 Board of Supervisors Regular Meeting. Mr. Tieperman closed the hearing at 7:25 p.m.

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

None

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

#### **4. Consider accepting resignations from Robert P. Bellini and Christopher Volpe and appointing Maria Sadler, Michelle Beaver, Kevin Middaugh and Rachel Heim to the Comprehensive Plan Subcommittee**

Supervisor Starling motioned, seconded by Supervisor Pearson to accept the resignations of Robert P. Bellini and Christopher Volpe and appointing Maria Sadler, Michelle Beaver, Kevin Middaugh and Rachel Heim to the Comprehensive Plan Subcommittee. Motion carried 5- 0.

#### **5. Consider accepting the resignation from Rachel Schauder and appointment Maria Sadler to the Parks and Recreation Board**

Supervisor Pearson motioned, seconded by Supervisor Starling, to accept the resignation of Rachel Schauder and appointing Maria Sadler to the Parks and Recreation Board. Motion carried 5-0.

**6. Consider adopting Resolution 2020-21 authorizing reimbursement for certain cash-financed capital projects from the future proceeds of tax exempt obligations to be issued by Upper Providence Township**

Mr. Tieperman discussed the background of the resolution. There have been meetings with the township solicitor, bond counsel and financial advisors to discuss the refinancing of the current municipal debt and issuance of new monies to cover capital project expenses. Several projects and additional contingencies were reviewed. As part of the process a resolution needs to be adopted prior to any refinancing or possible issuance in the future. Mr. Tieperman stated that this resolution does not bind the township to any refinancing, this is just the first step of a long process.

Supervisor Pearson motioned, seconded by Supervisor Starling, to adopt Resolution 2020-21 authorizing reimbursement for certain cash-financed capital projects from the future process of tax exempt obligations to be issued by Upper Providence Township. Motion carried 5-0.

**7. Consider adopting Resolution 2020-22 amending the Capital Budget to fund intersection and traffic signal improvements at Township Line Road and Linfield Trappe Road**

Supervisor Calci stated that the Commonwealth has recently withdrawn the grant award that would have paid for a portion of this project. She recommends that this matter be tabled.

Supervisor Pearson motioned, seconded by Supervisor Starling, to table this agenda item. Motion carried 5-0.

**8. Consider awarding a bid for intersection and traffic signal improvements at Township Line Road and Linfield Trappe Road to Barwis Construction, LLC from Birdsboro, Pennsylvania in the amount of \$950,379.17 as lowest responsible bidder**

Supervisor Calci stated that this item was contingent upon the adoption of Resolution 2020-22. She recommends that this matter be tabled.

Supervisor Pearson motioned, seconded by Supervisor Vagnozzi, to table this agenda item. Motion carried 5-0.

**9. Consider authorizing execution of the McMahon proposal for construction services for the Township Line Road and Linfield Trappe Road project in amount not to exceed \$86,300**

Supervisor Calci stated that this item was contingent upon the adoption of Resolution 2020-22. She recommends that this matter be tabled.

Supervisor Pearson motioned, seconded by Supervisor Starling, to table this agenda item. Motion carried 5-0.

**10. Consider awarding Road Project "B" to Phoenixville-based Delaware Valley Paving Company in the amount of \$613,457.50, being the lowest responsible bidder within budgetary limitations**

Mr. Dingman discussed the bidding process and the roads included in Road Project "B". The project is expected to be completed within 4 months.

Supervisor Starling motioned, seconded by Supervisor Pearson, to award Road Project "B" to Phoenixville-based Delaware Valley Paving Company in the amount of \$613,457.50, being the lowest responsible bidder within budgetary limitations. Motion carried 5-0.

**11. Consider adopting Resolution 2020-23 extending the face period for real estate tax bills through December 31, 2020**

Solicitor Bresnan stated that various types of relief were available. Extending the face period allows the taxpayer to pay the face amount of the bill until December 31, 2020 and moves the penalty until January 1, 2021.

Supervisor Starling motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-23 extending the face period for real estate tax bills through December 31, 2020. Motion carried 5-0.

**12. Consider adopting Resolution 2020-24 extending the COVID-19 emergency declaration**

Supervisor Vagnozzi motioned, seconded by Supervisor Starling, to adopt Resolution 2020-24 extending the COVID-19 emergency declaration. Motion carried 5-0.

**13. Consider adopting Resolution 2020-25 authorizing Richard P. Ressel, Jr., EMC to act as an Agent on behalf of Upper Providence Township for the purpose of seeking financial assistance under the Stafford Disaster Relief and Emergency Assistance Act**

Supervisor Pearson motioned, seconded by Supervisor Vagnozzi, to adopt Resolution 2020-25 authorizing Richard P. Ressel, Jr., EMC, to act as an Agent on behalf of Upper Providence Township for the purpose of seeking financial assistance under the Stafford Disaster Relief and Emergency Assistance Act. Motion carried 5-0.

**14. Consider authorizing execution of easement and compensation agreements for the Pleasant Lane sanitary sewer main extension project**

Supervisor Starling motioned, seconded by Supervisor Higgins, to authorize the execution of easement and compensation agreements for 139 and 140 Pleasant Lane and the Pleasant Lane sanitary sewer main extension project. Motion carried. 5-0.

**15. Consider authorizing the solicitor to file a Declaration of Taking for 748 Mennonite Road (PIN# 61-00-03538-00-1) for a permanent sanitary sewer easement and temporary construction easement**

Solicitor Bresnan stated the Township must obtain easements from property owners prior to sewer lines being put in the ground. Most times favorable terms are reached; however, there are some instances when this is not the case and a Declaration of Taking needs to be filed with the courts. Solicitor Bresnan discussed the next steps.

Supervisor Starling motioned, seconded by Supervisor Vagnozzi, to authorize the solicitor to file a Declaration of Taking for 748 Mennonite Road (PIN # 61-00-03538-00-1) for a permanent sanitary sewer easement and a temporary construction easement. Motion carried 5-0.

**16. Discuss draft sewer planning module and establish the benefit assessment for the Tindy Run sanitary sewer main extension project**

Mr. Dingman discussed the sewage facilities planning module. The Tindy Run project covers 117 homes. Consistent with prior planning modules, this module has a \$10,000 benefit assessment plus the tapping fees and plumbing costs. It costs a resident approximately \$20,000 to connect to the public sewer systems. This cost of this project is approximately \$7 Million Dollars. Connection to the sewer system is not mandatory unless there is a failed system. The final planning module needs to be advertised. The module will be reviewed for comment by the public, the UPT Planning Commission, the Montgomery County Planning Commission, and the Montgomery County Health Department.

Supervisor Vagnozzi asked if there are failing systems. Mr. Dingman stated that there are a few and residents have contacted the township over the years looking for public sewer. Also, the roads in this area need to be resurfaced so any work should be completed prior to repaving. Supervisor Higgins stated that the cost per property owner would be about \$60,000 without the added township benefit. Supervisor Pearson stated that every other municipality in the area requires some type of mandatory sewer connection whether there is an on-lot system failure or resale of the property. Mr. Dingman stated that the benefit assessment fee is specific to the project. Supervisor Vagnozzi stated that the benefit assessment fee was raised a few years prior. He further stated that the fee is similar to what residents would have paid when state and federal grants were available to help offset the costs. The current cost of a new on-lot system is approximately \$25,000. Supervisor Pearson asked about the increase in property value when a resident connects to public sewer. Solicitor Bresnan stated that the fair market value would vary greatly depending on the property but based on his experience, it would be more than the \$10,000 benefit assessment. Supervisor Vagnozzi stated that the property value is negotiable between the seller/buyer. Supervisor Pearson stated that if the fair market value of a property connecting to the sewer increases, then the property owner should be paying a higher benefit assessment. Supervisor Calci stated that this is one of the last sewer projects in the Township and to increase the benefit assessment at this juncture would be unfair. Supervisor Vagnozzi agreed. Supervisor Pearson reiterated that he does not believe the Township should be spending funds to increase the value of a property and not require the property owner to connect to the sewer. Supervisor Starling discussed whether a sewer connection should be mandatory at the sale/resale of the property.

Supervisor Starling motioned, seconded by Supervisor Vagnozzi, to approve the sewer planning module for Tindy Run and establish a \$10,000 benefit assessment for the Tindy Run sanitary sewer main extension project. Motion carried 4-1 (Supervisor Pearson dissented).

## **MANAGER AND DEPARTMENT HEAD REPORTS**

### **17. State of Emergency and cancellation updates**

Mr. Tieperman stated all 2020 summer camps have been cancelled due to the COVID-19 pandemic. Refunds have been provided to all registered families. Township staff are looking into ways to offer other programs. Discussion are still ongoing about whether to hold Community Day.

Montgomery County announced changes to polling locations due to the pandemic. An updated chart can be found on the website and social media. Supervisor Calci suggested signs at the polling locations. Supervisor Starling stated that part of the reason for the consolidation was due to the high-risk category of many poll workers. Voting can also be done by mail.

Mr. Bortnichak discussed the Mont Clare realignment project. A draft plan should be completed in the next few weeks. Mr. Bortnichak confirmed with PennDOT that the grant money is still available for this project. He also stated the plan for repairs to Walnut Street will happen successively with the realignment project, but it is two separate projects funded by two separate grants. Mr. Broadbelt confirmed that the Walnut Street project is budgeted for 2021.

## **CONSULTANT REPORTS**

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

Mr. Dingman discussed various engineering/sewer projects. The PennDOT Second Avenue culvert replacement project is moving forward. Also, the H2O grant program scheduled for award in July has been delayed until September. The Schuylkill River Trail project is completed. The final price was \$5,000 less than the original bid. Road Project "A" will be starting this week. The Ashenfelter/Troutman Road grant application will be submitted by the end of the month. Mr. Dingman clarified the final steps for the Schuylkill River Trail project included trimming the erosion netting, wet areas were redone, paving restoration in the parking lot, and the railing by Lock 60 was constructed.

Mr. Moore discussed several traffic projects. DCED has a round of multimodal grants but the due date was extended to September. The road adaptive signal project is almost completed with the communication functional through the system. The GSK signal project is underway with a completion date scheduled for August. Mr. Moore stated that the system would be best tested after traffic gets back to normal conditions.

Mr. Grace stated that the first online Planning Commission went well. The next meeting will be June 10, 2020. He has been working with the current applicants to get the plans as clean as possible and resolve the more complicated technical issues prior to any virtual meeting. A few plans are on hold at the applicant's request.

## **SOLICITOR'S REPORT**

### **19. Consider approval of the Township Manager's contract**

Solicitor Bresnan stated that the Township Manager's contract expired in January. The only change to the contract is the annual rate of pay.

Supervisor Vagnozzi motioned, seconded by Supervisor Pearson, to approve the Township Manager's contract covering the period of January 2020 through the reorganization meeting in January 2022. Motion carried. 5-0.

## **SUPERVISORS COMMENTS**

Supervisor Starling thanked the essential employees that are working hard for the Township and residents. He recently sat in on a senate hearing regarding long-term care facilities. He urged everyone to continue to follow the guidelines and use good judgment to protect ourselves, essential workers and the community.

Supervisor Higgins recommended "When Women Ruled the World" and any material written by Louise Penny.

## **UPCOMING EVENTS**

Due to the health crisis, all upcoming events are on a revised schedule and may be cancelled in order to comply with federal and/or local restrictions. Please check the website or contact administration at 610-933-9179. All upcoming meetings will be held in this virtual format.

### **20. Board of Supervisors meeting schedule:**

June 15, 2020 at 7:00 p.m.

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

### **21. Planning Commission meeting schedule:**

May 27 at 7:00 p.m. - CANCELLED

June 10, 2020 at 7:00 p.m.

### **22. Parks and Recreation Committee meeting schedule:**

May 20, 2020 at 6:00 p.m.

### **23. Comprehensive Plan Subcommittee meeting schedule:**

May 20, 2020 at 7:00 p.m. - CANCELLED - future dates will be announced

### **24. Municipal Authority meeting schedule:**

June 4, 2020 at 7:00 p.m.

**ADJOURNMENT**

There being no further business, Supervisor Pearson motioned, seconded by Supervisor Vagnozzi, to adjourn the meeting at 8:18 p.m. Motion carried 5-0.

Respectfully Submitted,



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Timothy J. Tieperman  
Township Manager/Secretary