



**UPPER PROVIDENCE BOARD OF SUPERVISORS  
REGULAR MEETING  
Monday, June 15, 2020 – 7:00 P.M.**

The Board of Supervisors regular meeting on Monday, June 15, 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; Richard Livergood, Finance Director; Chief Mark Toomey, UPT Police Department; Susan Hoffman, Parks and Recreation Director; Richard Ressel, Emergency Management Coordinator; Arielle Simmons, Communications Officer; and Cheryl Schinski, Administrative Services Manager.

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

**CALL TO ORDER**

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

Supervisor Calci read the following statement:

Hello, everyone, and welcome to the Monday, June 15, 2020 Upper Providence Board of Supervisors meeting. During this ongoing state of emergency, the Board of Supervisors has been in regular communication with Township staff, and it has been monitoring all the issues impacting residents. Because of the social distancing guidelines recommended by the federal Centers for Disease Control and prevention and the stay-at-home restrictions set forth by Governor Wolf, this Board of Supervisors meeting – like our meetings in April and May – will not be held at its normal physical location, but rather through this virtual medium forum. This virtual meeting was legally advertised and is being recorded this evening. It will be uploaded to our website in the same location as other recorded Board of Supervisors meetings. I would like to thank all of you who registered as attendees for our third virtual board meeting. As a virtual 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 screen, which will alert our host that you wish to make a public statement. At that time, you will be unmuted and will be allowed to speak for a maximum of three minutes. Consistent with our normal rules of procedure, there will be no question and answer period. However, if you do have a question on any particular item, we will make sure that the appropriate staff member gets back you with an official response. This virtual forum is new to all of us, and we ask for everybody's patience.

**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 of all those touched by COVID-19. Supervisor Calci went on to thank all of the frontline workers helping to fight this pandemic. She asked that our leaders come together in a bipartisan effort to usher in meaningful reforms to address racial inequities. She is hopefully everyone has recovered from the power outages and damages due to the recent storms in the Township.

**MOTION TO APPROVE BOARD AGENDA**

Supervisor Starling motioned, seconded by Supervisor Higgins, to approve the June 15, 2020 Board Agenda, per § 2-2-5 (A) of the Township Administrative Code. Motion carried 5-0.

**PUBLIC COMMENT**

David DeAngelo (764 Mennonite Road). Mr. DeAngelo commended on behalf of himself and his parents Ken and Susan DeAngelo (748 Mennonite Road) regarding the Board’s decision to beginning eminent domain of a portion of their combined properties. As background, the Township is looking to install approximately 800 feet of sewer line through a portion of this property, the horse pasture. The project would serve 9 existing homes on Pleasant Lane with a cost of approximately \$600,000. Mr. DeAngelo was offered \$30,000 for easement compensation but had to decline due to the impact on the property. The line would limit them from fencing in their horses, limit their ability to get hay deliveries and destroy an existing corral that houses their chickens. There would be multiple manhole covers in their field. In speaking with developers, the placement of the line would impact three prime building lots. He further stated that this line would render a large portion of their land unusable and a have a terrible financial impact. Mr. DeAngelo stated that there are other alternatives to give the residents on Pleasant Lane a sewer line. His and his parent’s properties would not use this proposed sewer connection. Mr. DeAngelo is hopefully the Board would consider another route, including using a force line which would be much cheaper to install and not have an impact on his land. He understands that the residents of Pleasant Lane would have to use grinder pumps. He requests that the Board consider other options instead of eminent domain.

**EXECUTIVE SESSION**

None

**APPROVAL OF BILL LIST**

**1. May 13, 2020 – June 9, 2020: \$2,096,338.71**

Supervisor Starling motioned, seconded by Supervisor Pearson, to approve the bill list for the period of May 13, 2020 – June 9, 2020, in the amount of \$2,096,338.71. Motion carried 5-0.

**APPROVAL OF MINUTES**

**2. May 18, 2020 Regular Meeting**

Supervisor Pearson motioned, seconded by Supervisor Starling, to approve the minutes of the May 18, 2020 regular meeting. Motion carried 5-0.

**PUBLIC HEARING**

None

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

None

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

**3. Consider adopting Resolution 2020-30 extending the COVID-19 emergency declaration through July 20, 2020**

Supervisor Pearson motioned, seconded by Supervisor Vagnozzi, to adopt Resolution 2020-30 extending the COVID-19 emergency declaration through July 20, 2020. Motion carried 5-0.

**4. Consider adopting Resolution 2020-26 for the Twin on Fourth/ MJ Properties Preliminary/Final Plan approval**

Supervisor Calci stated this project is located at 209 Fourth Avenue in the Mont Clare section of the Township and involves the subdivision of a single lot into three smaller lots. The project has been affirmatively reviewed by the Township's consultants and Planning Commission. Applicant, Joe Venezia, stated that the plan has been through the land development process and has received approval. Mr. Grace stated that this development was in process at the beginning of the pandemic. The consultants have reviewed the plans and applicant has updated the plans with the consultants' requirements. The plans have clean consultant letters so the request for preliminary plan and final plan approval can go through at the same time. Mr. Grace stated waivers were requested in the preliminary plan and are included in the resolution. The twin being built will look the same as the twin houses already on the property.

Supervisor Starling motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-20 for the Twin on Fourth/MJ Properties for preliminary and final plan approval. Motion carried 5-0.

**5. Consider adopting Resolution 2020-09 for Providence Business Park / HB Fraser Final Plan approval**

Supervisor Calci stated Resolution 2020-09 is for final land development approval for Providence Business Park 3/HB Frazer Company. The project is located on the western side of Hollow Road in Upper Providence Township. The project has been affirmatively reviewed by the Township's consultants and Planning Commission. Ed Mullin, Esquire, attorney for applicant, stated that this plan has previously been before the Board. The project is for a 30,000 square foot warehouse/office building on a 9-acre tract. Supervisor Vagnozzi asked for clarification on the

impact fee for this property. Attorney Mullin stated that if any impact fee is due to the Township, then the applicant would pay it; however, he believes this plan was in process prior to the implementation of the impact fee. Mr. Grace will verify when the initial application was made.

Supervisor Starling motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-09 for Providence Business Park/HB Fraser final plan approval. Motion carried 5-0.

**6. Consider adopting Resolution 2020-27 for Rouse Chamberlin – Ridgewood Development Phase 2B Final Plan approval**

Supervisor Calci stated Resolution 2020-27 is for final land development approval filed by Rouse/Chamberlin for the development of Phase 2B of its Ridgewood 2 project, located at 304 Linfield Trappe Road in Upper Providence Township. The project has been affirmatively reviewed by the Township's consultants and Planning Commission. Ed Mullin, Esquire, attorney for applicant, discussed the project. This phase has 58 units. Prior approval was granted on preliminary plans for Phases 2A, 2B and 2C. This plan includes the detailed engineering and has been approved by the Township's consultants. This project started before the introduction of the traffic impact fee; however, there is a specific impact fee of \$1,600 per unit which goes directly to the improvements at Township Line and Linfield Trappe Roads. The developer will contribute just under \$300,000 for improvements to this intersection. Supervisor Vagnozzi stated that there is an open space/recreation fee. Attorney Mullin stated that the open space fee will be paid at the time of issuance of each unit permit. The project would be started immediately. Unit sales have been averaging two per month.

Supervisor Pearson motioned, seconded by Supervisor Starling, to adopt Resolution 2020-27 for Rouse/Chamberlin – Ridgewood Development Phase 2B final plan approval. Motion carried 5-0.

**7. Consider adopting Resolution 2020-28 for Barker/WB Homes Subdivision Preliminary Plan approval**

Supervisor Calci stated Resolution 2020-28 is for preliminary subdivision approval filed by Reynolds Acquisitions for a 14-lot subdivision on an 18-acre parcel at 116 Hess Road. This plan has previously received a conditional use from the Board and tentative plan approval. The current plan shows 14 single family detached homes on a cul-de-sac with 6+ acres of open space and is also known as the Barker tract. Ed Mullin, Esquire, applicant's attorney, stated this plan has been previously seen by the Board. The plan has a flex lot option which allows for more open space. The proposed cul-de-sac adds continuity to the road system. Supervisor Starling clarified that this is for preliminary plan approval and the applicant will be before the Board on another occasion requesting final plan approval. Supervisor Pearson asked for clarification on taking stormwater management facilities as open space. Mr. Grace stated that stormwater management can be contained in open space; however, the Township will not accept dedication of that open space. Attorney Mullin stated that the open space and stormwater basins can be maintained by the homeowners' association or the open space can be dedicated to the Township with the agreement that the homeowners' association would maintain all of the stormwater facilities. Supervisor Pearson stated that previously the Board did not accept stormwater management facilities/area as part of the calculation for open space. Mr. Grace stated that developers have been allowed to put stormwater management facilities in open space with the understanding that the Township will never take dedication of that open space. There is the understanding that if the stormwater fails, the Township has the right to go on the property, fix the issues and then lien the property for reimbursement of costs. This language is in the developer's agreement and the stormwater agreement. Mr. Dingman concurred with Mr. Grace and further stated

that it was never anticipated that the Township accept this open space. The goal of this particular open space is to preserve the environmental features on the site. Supervisor Pearson again stated that he believes the Township would not allow a developer to use stormwater facilities/area to aid in the calculation of open space. Supervisor Starling stated that the open space calculation would be addressed before final approval.

Supervisor Starling motioned, seconded by Supervisor Higgins, to adopt Resolution 2020-28 for Barker/WB Homes preliminary plan approval. Motion carried 5-0.

**8. Consider the scheduling and advertisement of a conditional use hearing for 357 Greenwood Avenue**

Supervisor Calci stated that the next two items on the agenda are for the scheduling of conditional use hearings. Before the Board acts on these items, there needs to be agreement on a date to hold these hearings, separate from the regular meeting. Typically, the first Monday of every month is used for special workshops or hearings as needed and Supervisor Calci suggested Monday August 3, 2020.

Supervisor Pearson motioned, seconded by Supervisor Starling, to advertise for and hold a conditional use hearing on August 3, 2020, for 357 Greenwood Avenue. Motion carried 5-0.

**9. Consider the scheduling and advertisement of a conditional use hearing for Testa Dance**

Supervisor Pearson motioned, seconded by Supervisor Starling, to advertise for and hold a conditional use hearing on August 3, 2020, for Testa Dance. Motion carried 5-0.

**10. 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 the next three agenda items are directly related to the Township Line – Linfield Trappe Roads intersection project. Agenda item 10 is Resolution 2020-22, which amends the capital budget to fund intersection and traffic signal improvements at the Township Line – Linfield Trappe Roads intersection. The Township Manager has asked that this resolution be tabled until the next meeting. Mr. Tieperman stated that the original resolution assumed that the Township would be receiving monies from the Green Light Go Grant and Limerick Township. The Green Light Go Grant was rescinded by the State; however, Mr. Tieperman has been working with the local legislators to try to get this money restored. Additionally, a letter was sent to Limerick Township discussing the project and requesting a contribution. Limerick Township Supervisors meet tomorrow evening and will discuss the matter further. Mr. Tieperman is requesting that this resolution be tabled until there is clarity of the funds. The project is still scheduled to move forward. Mr. Moore stated there is a gap with the loss of the Green Light Go funding but Limerick can help close that gap with additional funds. Mr. Tieperman stated that the award of the bid is the next item on the agenda and he is not requesting that item be tabled, only this funding resolution.

Supervisor Starling motioned, seconded by Supervisor Pearson, to table Resolution 2020-22 to amend the capital budget to fund intersection and traffic signal improvements at Township Line and Linfield Trappe Roads. Motion carried 5-0.

**11. 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**

Mr. Moore presented a bid summary on this project. There were 5 bidders for the project. Mr. Moore stated that he has worked with Barwis Construction on projects before and finds them to be capable of completing this project. Therefore, McMahon & Associates recommends awarding the bid to Barwis Construction.

Supervisor Pearson motioned, seconded by Supervisor Vagnozzi, to award the bid for the intersection and traffic signal improvements at Township Line and Linfield Trappe Roads to Barwis Construction, LLC, from Birdsboro, Pennsylvania, in the amount of \$950,379.17, as the lowest responsible bidder. Motion carried 5-0.

**12. 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 is for a professional services agreement with McMahon Associates for construction administration services for the Township Line and Linfield Trappe Roads project.

Supervisor Starling motioned, seconded by Supervisor Pearson, to authorize the execution of the construction services contract for the Township Line and Linfield Trappe Roads project in an amount not to exceed \$86,300. Motion carried 5-0.

**13. Consider adopting Resolution 2020-29 for approval of the Residences at Providence Town Center Sewage Facilities Planning Module**

Mr. Dingman stated that this project is for the apartments and hotel behind Providence Town Center. Because of the number of units and the capacity of the existing lines, a full sewage facilities planning module needs to be completed. This resolution is to submit the planning module to the DEP for approval. Approximately 690 EDUs will be needed. This project will be done in phases. Supervisor Vagnozzi stated that there are additional fees/contributions per unit due from the developer. Mr. Grace stated that this project qualifies for the \$1,000/trip impact fee.

Supervisor Pearson motioned, seconded by Supervisor Starling, to adopt Resolution 2020-29 approving the Residences at Providence Town Center Sewage Facilities Planning Module. Motion carried 5-0.

**MANAGER AND DEPARTMENT HEAD REPORTS**

**14. Announce award of \$100,000 Montco 2040 Grant for RiverCrest Trail Connector Project**

Mr. Tieperman stated the Township has officially been awarded the \$100,000 Montco 2040 Grant for the River Crest trail connector project. He thanked staff and Mr. Dingman's office for a coordinated effort in applying for the grant. The project will be another step in connecting to the Schuylkill River Trail. Mr. Dingman stated the project is approximately 3,000 linear feet of trail,

covers steep slope areas and has some significant drop offs that will need to be addressed from a safety issue. The survey is complete and the project should be out to bid in a few months. The total cost of the project is approximately \$250,000.

Mr. Tieperman stated the county has entered the yellow phase. On June 5, 2020 permit applications were distributed to local restaurants who want to pursue outdoor seating during the emergency declaration. It is anticipated that the administration building will be open to the public on June 22, 2020 after the county enters the green phase on June 19, 2020. As of June 12, 2020, all barrier tapes and barricades were removed and all parks were reopened. Signage will be placed for residents to follow CDC guidelines. The July Board of Supervisors meeting may be a hybrid meeting with supervisors/staff in the meeting hall and residents attending via Zoom. Organized events and tournaments are still restricted. Summer camps have been cancelled; however, staff is looking at virtual programs and creative ways to involve the residents.

Township staff are looking into a possible refinancing of debt. Mr. Tieperman believes now is a good time to look into refinancing. Bond rates are 200 basis points less than what the Township is currently assigned. The Township's financial advisor and bond counsel have been working together to have documents ready for the Board's August meeting. Mr. Tieperman would like to have a special workshop to discuss capital projects on July 6, 2020. Also, the fire design committee is at a point to start talking costs and this information could be presented at that meeting.

Supervisor Vagnozzi stated that there is a \$42,000 traffic impact fee for the HB Fraser project. Mr. Grace confirmed the McMahon letter in March stated the traffic impact fee and Mr. Gambone has confirmed same.

Mr. Tieperman stated that the Veterans' monument project being done by an Eagle Scout candidate is scheduled for installation on July 4, 2020.

The Jacobs Street realignment project is moving forward.

The central emergency services building has completed approximately 60% of the design phase. This allows for the discussion of realistic budget amounts.

Supervisor Calci stated that Dr. Rifkin and the Parkhouse tract has some positive movement.

Mr. Grace stated McMahon will be having a stakeholders meeting on the Active Transportation Plan/Complete Streets Plan on Wednesday. Zoom credentials will be posted to the website.

Supervisor Calci thanked Representative, Joe Webster for helping the Township close loops in the applications with the Safer Grant and the RACP grant. Mr. Tieperman stated all local representatives and Senator Muth have been helpful.

## **CONSULTANT REPORTS**

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

Mr. Dingman stated the planning module is available for the Tindy Run sewer project. Allan Myers is looking to finish up its paving projects by July 7. Delaware Valley Paving is looking to start

July 1 with a 90-day contract duration to complete its project. Surveyors will be out next week for the Ashenfelter/Troutman Road trail connection.

Mr. Moore stated that the Route 29 e-daptive signal project is still moving forward with GSK. Completion is scheduled for late July/early August.

### **SOLICITOR'S REPORT**

Attorney Bresnan mentioned that the review letters and resolutions include the calculation of traffic impact fees.

### **SUPERVISORS COMMENTS**

Supervisor Higgins recommended *H is for Hawk* by Helen MacDonald. She also thanked everyone for dealing with the pandemic.

Supervisor Starling encouraged residents to shop locally. Local business owners could really use the support.

### **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.

16. Board of Supervisors meeting schedule:

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

August 17, 2020 at 7:00 p.m.

17. Planning Commission meeting schedule:

June 24, 2020 at 7:00 p.m.

Agenda Items: Pope John Paul - Stadium

July 8, 2020 at 7:00 p.m.

Agenda Items: 172 Hopwood Road (Silver Rhino), 124 Yerkes Road (Silver Rhino)

18. Parks and Recreation meeting schedule:

June 17, 2020 at 6:00 p.m.

19. Comprehensive Plan Subcommittee meeting schedule:

June 17, 2020 at 7:00 p.m.

20. Municipal Authority meeting schedule:

August 6, 2020 at 7:00 p.m.

**ADJOURNMENT**

There being no further business, Supervisor Vagnozzi motioned, seconded by Supervisor Pearson to adjourn the meeting at 8:02 p.m. Motion carried 5-0.

Respectfully Submitted,



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Timothy J. Tieperman  
Township Manager/Secretary