



**UPPER PROVIDENCE BOARD OF SUPERVISORS  
REGULAR MEETING  
Monday, July 20, 2020 – 7:00 P.M.**

The Board of Supervisors regular meeting on Monday, July 20, 2020 was held in a hybrid/virtual format. The Board of Supervisors, Staff, and Consultants were present at the Administration Building while the public attended virtually. 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; Chief Mark Toomey, UPT Police Department; Arielle Simmons, Communications Officer; and Cheryll Schinski, Administrative Services Manager.

**Staff Attending Virtually:** Tom Broadbelt, Public Works Director; Richard Livergood, Finance Director; Nate Vargas, System Network Administrator; Sue Hoffman, Parks and Recreation Director; and Richard Ressel, Emergency Services Coordinator.

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

**Consultants Attending Virtually:** Anthony Valencia, Township Traffic Engineer.

**CALL TO ORDER**

Supervisor Calci called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Supervisor Calci started the meeting with the Pledge of Allegiance.

**MOTION TO APPROVE BOARD AGENDA**

Supervisor Pearson motioned, seconded by Supervisor Starling, to approve the July 20, 2020 Board Agenda, per § 2-2-5 (A) of the Township Administrative Code. Motion carried 5-0.

**PUBLIC COMMENT**

Dan and Betsy Daley (257 Canal Street) are concerned about the destruction of the open space field along Canal Street. Mr. Daley would like to have a member of public works look at the field. The bank of the canal is being ruined from the extra parking. Supervisor Pearson said the area in question is next to the Fitzwater Station Restaurant. Mr. Tieperman stated that part of the area is township property. Mrs. Daley stated it has become a dangerous area and is concerned for the safety

of her grandchildren. Supervisor Vagnozzi asked Mrs. Daley what her solution to this issue would be. Mrs. Daley would like to see the area owned by the Township marked off, reseeded and made into a green field again, and eliminate the parking. There are parking spots by the trailhead at the end of Port Providence Road that could be utilized. Canal Street is very narrow and cannot handle any additional parking. She said it is not the bar or boat business but people coming for the day and using the canal. Cars are coming and going all day and people don't pay attention to the speed limit. She is concerned about the families with young children who live on Canal Street. She feels the neighborhood needs to be made safer for everyone. Mr. Broadbelt stated that Public Works can post no parking signs on either side and wanted to meet with Chief Toomey and the Daleys. Mr. Broadbelt agreed that the area was congested. Supervisor Pearson stated he would recuse himself from any discussion about this area as he is still a business owner.

### **EXECUTIVE SESSION**

None.

### **APPROVAL OF BILL LIST**

#### **1. June 10, 2020 – July 10, 2020: \$926,143.76**

Supervisor Pearson motioned, seconded by Supervisor Starling, to approve the bill list for the period of June 10, 2020 – July 10, 2020, in the amount of \$926,143.76. Motion carried 5-0.

### **APPROVAL OF MINUTES**

- 2. June 15, 2020 Regular Meeting**
- 3. July 6, 2020 Workshop Meeting**

Supervisor Starling motioned, seconded by Supervisor Pearson, to approve the minutes of the June 15, 2020 regular meeting and the July 6, 2020 workshop meeting. Motion carried 5-0.

### **PUBLIC HEARING**

None.

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

#### **4. Consider authorizing the Township Manager to execute the Montco 2040 grant award agreement for the Municipal Complex/Schuylkill River connector trail**

Mr. Tieperman stated that the required paperwork has been received from the County. Staff is asking for the Board's authorization to execute the grant award agreement. He further stated that Mr. Dingman's office was very helpful in securing this grant for the Township. Supervisor Vagnozzi asked for a sketch drawing of the trail and Mr. Dingman will forward it to the Board. The project is expected to begin in the fall.

Supervisor Starling motioned, seconded by Supervisor Pearson, to authorize the Township Manager to execute the Montco 2040 grant award agreement for the Municipal Complex/Schuylkill River connector trail. Motion carried 5-0.

**5. Consider adopting Amended Resolution 2020-29 approving the Providence Town Center – 106 Sewage Facilities Module**

Mr. Dingman stated that this module was previously adopted at an earlier meeting. However, the DEP required a re-advertisement of the module by the applicant for any additional public comment. The public comment period has concluded and the resolution, once readopted, will be sent with the module to the DEP. There were no public comments on the module.

Supervisor Starling motioned, seconded by Supervisor Vagnozzi, to adopt amended Resolution 2020-29 approving the Providence Town Center – 106 Sewage Facilities Module. Motion carried 5-0.

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

**6. Consider adopting Resolution 2020-31 extending the COVID-19 emergency declaration through August 17, 2020**

Supervisor Calci stated the emergency declaration has been adopted on a monthly basis since the beginning of the pandemic. Mr. Bortnichak stated the resolution allows the Township to receive any funding, should it come through, for the period through August 17, 2020. There was discussion about extending the declaration of emergency beyond thirty days.

Supervisor Vagnozzi motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-31 extending the COVID-19 emergency declaration through August 17, 2020. Motion carried 5-0.

**7. Consider adopting Resolution 2020-32 approving the Tindey Run Sanitary Sewer Planning Module**

Mr. Dingman stated the Tindey Run Sanitary Sewer Planning Module serves approximately 120 homes in the Township. The module includes the \$10,000 standard assessment per property owner. The project cost is estimated at \$7 Million Dollars. Construction would begin in 2021. Thirteen easements are required from various property owners. Environmental, preliminary design and survey work have all been completed. Mr. Dingman stated that the property owners may, but are not required to, hook up to the sewer. Comments from the Montgomery County Health Department, Montgomery County Planning Commission, and UPT Planning Commission were received and addressed. There were no public comments. Mr. Bortnichak stated that he has a log showing which residents have expressed an interest in connecting to the sewer. Mr. Dingman stated construction would begin late summer or fall of next year and take approximately one year to complete. A pump station is included in the project with access from Iroquois Drive.

Supervisor Starling motioned, seconded by Supervisor Vagnozzi, to adopt Resolution 2020-32 approving the Tindey Run Sanitary Sewer Planning Module. Motion carried 5-0.

**8. Consider adopting Resolution 2020-33 granting tentative land development approval for 124 Yerkes Road (Silver Rhino)**

Alyson Zarro, Esquire, attorney for applicant, discussed the project and tentative sketch plan. Applicant has been before the Board with a previous sketch plan. The property has been through the rezoning process and is currently zoned in the YMU (Yerkes Mixed Use) District. The plan includes three multi-family buildings on the property with a total of 224 dwelling units. There are 381 parking spaces which equates to 1.7 parking spaces per unit. The plan shows two access points with the intersection at Hopwood and Collegeville Roads being signalized. There is a trail connection to the Perkiomen Trail through the property.

Several review letters were received from the Township's consultants – May 29, 2020 from Gilmore & Associates; March 23, 2020 from Grace Planning & Associates; June 8, 2020 from McMahan & Associates; and July 6, 2020 from McMahan involving the traffic impact assessment. The last letter includes this development and the Hopwood Development, which is not a part of this tentative land development plan.

The UPT Planning Commission recommended approval of this application at its meeting on July 8, 2020. There were detailed discussions about connections of sidewalk throughout the project. This plan shows an extension of the sidewalk on both sides of Route 29 and along the frontage of the property on Yerkes Road. There was additional discussion with the Planning Commission about extending sidewalk along the property frontage in the area of the trail connection and parking area. Sidewalk may be appropriate on the undeveloped side of the project as well.

The site will be connected to public sewer and water. The existing buildings on the property will be demolished. The three multi-family buildings will have green roofs and be environmentally and energy compliant. There will be community space in one of the buildings. The plan meets the Township's open space and recreation requirements under the ordinances.

Attorney Zarro stated that there was jurisdictional determination for the site. Floodplain is noted on the plan as well. There is a detailed FEMA flood study that is being completed and will be submitted to the Township for review. Applicant is not proposing retention any of the existing buildings on the property including the existing house along Route 29.

Supervisors Starling would like to see a sidewalk connection from the Perkiomen Woods property to the Wawa and the Collegeville line.

Supervisor Pearson asked if applicant received a confirmation letter from PennDOT regarding the street improvements. Attorney Zarro stated this plan complies with PennDOT's comments and their traffic engineer continues to work with McMahan & Associates to address any traffic issues.

Solicitor Bresnan discussed the next steps for this project. Before the Board is a tentative sketch plan, which is usually not fully engineered. After tentative sketch approval, a developer will engage an engineer to move forward with the plan. In this matter, there has been significant engineering done because of the change in zoning. However, this plan is at a very early stage. The next stage will be preliminary approval which includes another round of review letters and notice of any waiver requests the applicant may seek. The last step is final approval where all of the issues will

have been addressed. This plan has been before the Planning Commission and was given a recommendation to the Board. When applicant submits a preliminary plan, it will again be heard by the Planning Commission before being heard by the Board. The County will also provide comments on a preliminary plan.

Mr. Grace stated the height of the buildings fall within the Township Code.

Supervisor Starling motioned, seconded by Supervisor Higgins, to adopt Resolution 2020-33 granting tentative land development approval for 124 Yerkes Road (Silver Rhino). Motion carried 5-0.

**9. Consider adoption of Resolution 2020-34 for PennDOT approval for improvements to add left turn lanes and realign signal head #1 on S. Trappe Road (Route 113)**

Mr. Moore stated this form requires the Board's authorization for the Township Manager's signature. The Township has been waiting for PennDOT to do a surface treatment road project which would allow the Township to add left turn lanes. PennDOT has advanced the project and sent plans to the Township for review. There will be stripped turn lanes on Route 113 with 5-6 feet shoulders to be used for bikes, etc. There is no final completion date from PennDOT. This form allows for the signal permit plan to be modified to show the left turn lanes and relocate one of the signal heads. A letter was also sent to PennDOT requesting the completion of a traffic study.

Supervisor Starling motioned, seconded by Supervisor Pearson, to adopt Resolution 2020-34 for PennDOT approval for improvements to add left turn lanes and realign signal head #1 on S. Trappe Road (Route 113). Motion carried 5-0.

**10. Consider authorizing advertisement of Ordinance 583 authorizing the incurrence of debt by the issuance of general obligation bonds**

Mr. Tieperman stated the ordinance was prepared by bond counsel in conjunction with the proposed refinancing. Ordinances must be advertised prior to enactment by the Board.

Supervisor Vagnozzi motioned, seconded by Supervisor Pearson, to authorize advertisement of Ordinance 583 authorizing the incurrence of debt by the issuance of general obligation bonds. Motion carried 5-0.

**11. Consider setting a date and time for a Public Hearing to consider a request from Pulte Homes for a zoning ordinance amendment and zoning map amendment for the property at 1701 Main Street**

Joseph Kuhls, Esquire, attorney for applicant, discussed the history and proposed project. The site is located at 1701 Main Street and approximately 23 acres. The parcel is rather unique with limited and environmentally sensitive frontage along Main Street. Tim Woodrow, site design engineer, is also available to answer questions. The applicant is requesting that the site be rezoned to R-2 which abuts the property. This would require some modifications to the existing ordinance and a map change. This would allow for a residential development on the property. The first proposal from Pulte was for a townhouse development with approximately 100 units. The proposal had been modified to include a park at the front of the property. The Montgomery County Planning Commission did not like this modified plan. A hearing was held before the Board of Supervisors in

April 2019 which acknowledged that residential development could be done on this sight, but the plan was not desirable.

The current proposed plan is for a 50-unit single family home development. It would be realized as an R-2 cluster. Attorney Kuhls is requesting this plan move forward by having staff send this plan to the Montgomery County Planning Commission for their opinion on the design, and the scheduling of a public hearing on the rezoning aspect of this proposal. At the hearing, Applicant would offer a traffic engineer to discuss the traffic flow of commercial versus residential for this property, a fiscal impact analysis, and expert testimony from various engineers and land planners.

Mr. Woodrow believes that single family homes allow the plan to take better advantage of the topography. He also stated that this plan fits much better in relation to the community and the surrounding developments.

Solicitor Bresnan clarified that Applicant is asking the Board to schedule a public hearing to review the proposed zoning ordinance and map change. The Board has total discretion in this because Applicant is not challenging the zoning ordinance only requesting it be amended. At the hearing, the Board would be able to raise concerns about the plan, including the ingress/egress of the proposed project. Attorney Kuhls discussed the inclusion of an emergency access between units 35 and 36.

Supervisor Vagnozzi stated that Applicant had been before the Board on two separate occasions requesting a hearing date and the Board did not oblige. If the hearing date is granted, applicant would be given the opportunity to make their case for the zoning change, discuss any issues, including impact on the Township, and the road concerns. Solicitor Bresnan stated there is no requirement on the Board to grant a hearing date or commitment to approve the plan.

Supervisor Vagnozzi motioned, seconded by Supervisor Pearson, to authorize and schedule a public hearing on the property 1701 Main Street. Motion carried 5-0.

## **12. Consider authorizing advertisement of the MS4 Pollution Reduction Plan which includes DEP comments**

Mr. Dingman stated the 5-year plan covers the period of 2018-2023. The Board adopted the plan in 2018. DEP submitted comments in February 2020 which included seeing more definitive statements in the plan. The DEP also looked at the loading calculations and determined additional areas should be included requiring an increase in the basin size at Routes 422 and 29. The plan needs to be advertised for public comment, followed by a public hearing at the August BOS meeting with proposed adoption at the September BOS meeting.

Supervisor Starling motioned, seconded by Supervisor Pearson, to authorize advertisement of the MS4 Pollution Reduction Plan which includes DEP comments. Motion carried 5-0.

## **MANAGER AND DEPARTMENT HEAD REPORTS**

### **13. Waiver of fire inspection fees for 2020**

Mr. Bortnichak stated that Chief Kerrigan has requested a waiver of fire inspection fees for the remainder of 2020. The fee is part of the Fee Schedule that the Supervisors adopt annually. The

total revenue generated by the inspections is about \$18,000. If the Board considers waiving the fee, there would be almost no revenue generated from the fees as the process had stopped due to the pandemic. Fire inspections have slowly begun again. The fees vary based upon the size of the commercial space. Supervisor Vagnozzi stated the fee generated helps offset firefighters' salaries. Mr. Bortnichak stated this is an annual fire inspection fee and not based on any new permit work requested. Mr. Bortnichak suggested the supervisors set a date as to when the fees would be reinstated. Supervisor Vagnozzi would like to have the actual cost amounts associated with the fire inspections.

Supervisor Starling motioned, seconded by Supervisor Pearson, to waive the fire inspection year through the rest of the 2020 calendar year. Motion carried 5-0.

## **CONSULTANT REPORTS**

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

Mr. Dingman stated Road "A" projects are complete and Road "B" projects have been started. Paving should begin in late August. Trail designs are ongoing. Sewer projects are also continuing.

## **SOLICITOR'S REPORT**

None.

## **SUPERVISORS COMMENTS**

Supervisor Calci read a letter dated July 10, 2020 that was in response to comments made by a Montgomery County Commissioner. The letter was sent out as a press release and can be found on the Township's website and social media.

Supervisor Starling commented that public officials should not endanger public safety or stir up problems when they should be uniting their communities. At their August meeting, the Board will be considering a human relations ordinance that will guarantee equal protection under law for everyone and specifically certain classes.

Supervisor Higgins recommended the following books: *Northanger Abbey* by Jane Austen, *The Murder on the Links* by Agatha Christie, and *Invention of Surgery* by David Schneider, and *The Keeper* by Diane Saxon.

## **UPCOMING EVENTS**

Due to the pandemic, all upcoming events are being reviewed and may be modified, rescheduled and/or cancelled in order to comply with federal and/or local restrictions. Please check the website at [www.uprov-montco.org](http://www.uprov-montco.org) or contact administration at 610-933-9179.

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

July 29, 2020 at 7:00 p.m. – workshop – final presentation by Library System Services

August 3, 2020 at 7:00 p.m. – conditional use hearings  
1021 Egypt Road  
357 Greenwood Road  
August 17, 2020 at 7:00 p.m. - regular

16. Planning Commission meeting schedule:  
July 22, 2020 at 7:00 p.m. - CANCELLED  
August 12, 2020 at 7:00 p.m.  
Agenda Items: Pope John Paul-bleachers

17. Parks and Recreation Committee meeting schedule:  
August 19, 2020 at 6:00 p.m.

18. Comprehensive Plan Subcommittee meeting schedule:  
August 19, 2020 at 7:00 p.m.

19. Municipal Authority meeting schedule:  
August 6, 2020 at 7:00 p.m.

**ADJOURNMENT**

There being no further business, Supervisor Vagnozzi motioned, seconded by Supervisor Starling to adjourn the meeting at 8:13 p.m. Motion carried 5-0.

Respectfully Submitted,



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Timothy J. Tieperman  
Township Manager/Secretary