

UPPER PROVIDENCE TOWNSHIP
DELAWARE COUNTY
REGULAR COUNCIL MEETING
May 12, 2022

The Upper Providence Township Council held the regularly scheduled monthly Business meeting on Thursday, May 12, 2022 at the Upper Providence Township Building. Chairman Elgin Akarsoy called the business meeting to order at 7:35 PM. Mr. Akarsoy led the Pledge of Allegiance.

An executive session was held prior to the meeting to discuss personnel matters.

Roll Call

Present: Mr. Elgin Akarsoy, Chairman, Mr. Tom McFadden, Ms. Marsha Peterson and Ms. Christen Rexing. Also in attendance, Mr. Don Vymazal, Township Manager, Mr. Carl Ewald, Township Solicitor, Mr. J.P. Kelly, Township Engineer and Ms. Kim McCloskey, Adm. Assistant.

Not Present: Mr. Kevin Else, Vice Chairman and Walt Omlor, Constable.

Awards, Presentations and Announcements

Mr. Akarsoy presented for Chair of the Sewer Authority, Michael Byrne, a plaque in recognition for his 19 years of service on the Authority.

Alan Mancill, Fire Marshal discussed what has been happening in the Township as far as fire calls and alarms. He reminded council and residents about the rules for recreational fires and spoke of the importance of smoke and carbon monoxide testing and installation and discussed fire prevention. The Township will look into the possibility of getting a grant to get smoke/carbon monoxide alarms to give away to residents. They will again be staging a car accident to remind the high schoolers about the dangers of drinking and driving.

Public Forum

Rob Powell, 1126 Roberts Road and many of the Sewer Authority members were in attendance to thank Mr. Byrne for his years of dedicated service to the Authority.

Addition of Items

None

Approval of Minutes

Mr. McFadden made a motion, seconded by Ms. Rexing, to approve the April 14, 2022 Regular Council Meeting minutes.

Mr. McFadden	Abstain	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 3-0; 1 abstained

Mr. Else made a motion, seconded by Ms. Rexing, to approve the April 28, 2022 Council Committees Meeting minutes.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Municipal Boards, Authorities, Commissions and Committees

No vacancies.

Zoning, Subdivision and Land Development

Media Little League Lighting

Mr. Ewald advised Council that this plan is for lighting of one field, the major league field, on the Springton Lake Middle School Little League area as recommended by the Township Planning Commission at their April 25, 2022 meeting with the following conditions:

- Provide electric plans and clarify that it is for 4 poles on the major field only;
- Provide curfew time in season which is defined as April – July at 10 pm and out of season is 9 pm;
- Their willingness to provide up to 6 fast growing trees as a buffer, if requested ;
- Meet all recommendation of the Township Engineer’s letter dated April 22, 2022;
- Note that if they seek addition lighting they will have to re-apply;
- They are seeking Preliminary/Final which would require a waiver from the SDLD Ordinance to approve doing Preliminary and Final at the same time;
- They must demonstrate satisfactorily to the Township Engineer that they will comply with the Nuisance Ordinance and that they are not contributing to light pollution to the neighboring properties.

Josh Steinberg, President and Tom Furman from Media Little League were present to present to answer any questions.

Mr. McFadden noted that no neighbors were against this project at the School Board Meeting and only 1 neighbor had a concern at the Township Planning Meeting.

Mr. Akarsoy made a motion, seconded by Mr. McFadden to approve the Waiver of the SDLD Ordinance to allow for Preliminary/Final at the same time and approve the application contingent on the following:

- Compliance with all of the Planning Commission comments from the April 4, 2022 letter to applicants;
- Compliance with the Township Engineer's letter dated April 22, 2022;
- Demonstrate satisfactorily to the Township Engineer that they will comply with the Nuisance Ordinance prior to building permits being issued

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

The Woods at Rose Tree – Preliminary SDLD

Mr. Ewald advised council that this is a resubmission for Preliminary approval for the 8 single family homes SDLD application on the two parcels between Kirk Lane and Highland Avenue. If approved this will move forward to Final. They are asking for two waivers. One is for SWM, they are requesting to follow the new SWM Ordinance as recommended by the Township Engineer because it reconciles the impact of two conflicting Ordinance sections in the Township's SDLD. The second waiver is they are proposing not to construct sidewalks on Kirk Lane. They are requesting a waiver for the sidewalk requirements with a fee in lieu of. The amount was discussed and will be determined during Final approval.

They have resolved most of the requirements in the Township Engineer's review letter dated April 21, 2022 or noted that they will comply.

Adam Powell, Engineer, George Palomba, Applicants and Timothy Sullivan, Attorney for Applicants were present to answer any questions. Mr. Powell talked about the "sidewalk to nowhere" and why they are requesting the waiver. The neighbors do not want the sidewalk. They did meet with the 4 abutting neighbors to discuss any issues and concerns. They will need to apply for external permits.

Mr. McFadden made a Motion, seconded by Ms. Peterson to grant a waiver from the SWM regulations to resolve the conflict between the SDLD provisions.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Mr. McFadden made a Motion, seconded by Ms. Peterson to approve the request for a waiver for sidewalks with fee in lieu of to be paid by the developer. The amount will be decided at a Final and recommended by the Township Engineer.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Mr. McFadden made a Motion, seconded by Ms. Peterson to grant Preliminary approval of the SDLD application conditioned on compliance with the Township Engineer's review letter dated April 22, 2022.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

New Business

Voucher List for April 2022

Ms. Else made a motion, seconded by Ms. Peterson, to approve the voucher list for April 2022 in the amount of \$385,414.13.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Awarding Road Program 2022

Ms. McFadden made a motion, seconded by Mr. Akarsoy, to approve awarding the bid for the 2022 Road Program to AF Damon, Inc., in the amount of \$399,103.50, as recommended by the Township Engineer.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Ordinance 538 – First Reading

Mr. McFadden made a Motion, seconded by Mr. Akarsoy to approve the first reading of Ordinance 538 – to amend Chapter 1460, of the Code of the Township of Upper Providence to update the Township's adoption of the International Property Maintenance Code to

adopt the 2021 Edition and to amend the Township's insertions and amendments to the International Property Maintenance Code.

Discussion: This will update of to the 2021 version from the 2006 version.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Suspend Summer Committees Meetings

Mr. McFadden made a Motion, seconded by Ms. Rexing to suspend the June, July and August 2022 Council Committees meetings.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Resolution 2022-20 – WRPP Grant

Mr. McFadden made a Motion, seconded by Ms. Peterson to approve Resolution 2022-20 allowing the Township Engineer to apply for the Watershed Restoration and Protection (WRPP) Grant of \$245,875.50, 75% of the total cost estimate, from the Commonwealth Financing Authority to be used for the Restoration of Thompson Park. The Township will be responsible for \$81,958.50 or 25% of the total cost estimate.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Purchase Highway Truck

Mr. McFadden made a Motion, seconded by Ms. Peterson to approve the purchase of a 2022 F250 Super Duty truck with plow and safety add-ons in the amount of \$46,644.00 for the Highway Department.

Mr. McFadden	Yes	Ms. Rexing	Yes
Ms. Peterson	Yes	Mr. Akarsoy	Yes

Motion approved 4-0

Ordinance 539 Announcement

Mr. McFadden announced Ordinance 539 – regarding UCC Amendments. This is regarding accessory structures and the square footage required for permits.

Mr. Ewald advised that this will now be sent to the State Department of Labor and Industry for approval to ensure that we are making the requirements stricter. This relates to accessory structures and will reduce the amount of square footage of the threshold for requiring a permit. Currently the UCC requires any struct over 1000 sq. ft to get a permit and we are reducing it to 200 sq. ft. It also will require permits for unities installed in the structure and have sanitary sewer guidelines.

Mr. Ewald also advised that Council is in the process of developing a recreational accessory structure Ordinance that would address potentially permitting in certain areas what is commonly called a “she shed”.

Council discussed the proposed new elementary school in Edgmont Township and supports it.

Council’s Administrative Reports

Mr. Vymazal mentioned the tree giveaway this weekend at Scott Park. Upper Providence Township is representing second class Townships on the Delaware County Municipal Waste 10 year Management Plan Advisory Committee. There is a public workshop on May 26th if anyone wants to register. The newsletter will be out early next week.

Engineers Report

The Farnum Road traffic study would be conducted within the first two weeks of June.

Adjournment

There being no further business, Mr. Akarsoy made a Motion to adjourn the meeting. The motion was approved by unanimous voice vote and the meeting was adjourned at 8:55 PM.

Don Vymazal
Township Secretary

Elgin Akarsoy
Council Chairperson