

**WORKSHOP MEETING MINUTES**

January 19, 2016

The January 19, 2016, Workshop Meeting was called to order at 7:00 P.M. Those present were:

Kenneth E. Kroberger	President
James A. Santi	Commissioner
Eugene P. Ziemba	Commissioner
Thomas A. Duffy	Commissioner
Leonard T. Perrone	Township Manager
Michael J. Lapinski	Assistant Township Manager
David Brill	Finance Director
David W. Duffy	Police Chief
David Poirier	Deputy Chief
David C. Onorato	Township Solicitor
E. Van Rieker	Zoning Officer & Planning Coordinator
Russ Benner	Township Engineer

**CONSULTANTS****PLANNING/ZONING****1. Report by E. Van Rieker (Updates):**

- Sumney Forge (WaWa Center)

Mr. Rieker reported that there is nothing new in reference to the Sumney Forge Shopping Center.

- Giant Plan (Plan Review 1/21)

Mr. Rieker reported that he is expecting new plans for the Giant site, and a sale of the property. He noted this is on the Agenda for his meeting on Thursday. They are in the process of obtaining tenants but they are not ready to go before the Planning Commission yet. They are working on a Sketch Plan and some preliminary issues have been addressed in regard to leasing signs. He reported that the Plan Review Committee has indicated that landscaping, sidewalk improvements, and architectural excellence are all an important part of their submission.

- ZHB 15-17 BCHW Holdings, 1830 West Point Pike. Cardinal Hollow Wines request for outside seating/limited dining and variance from requirement for additional parking. Continued to 1/26/16.

Mr. Rieker reminded that Cardinal Hollow Wines has withdrawn their request for outdoor dining, and have asked for two continuances. He reported that Mr. Boyd is in the process of acquiring the adjoining property. Then he will prepare a Plan which will show parking and the ability to accommodate a bigger restaurant. Attorney Onorato questioned whether or not this will be on the Zoning Hearing next week. Mr. Rieker indicated that it is doubtful, but he is not sure yet. Attorney Onorato reminded that when Mr. Boyd presented the outdoor seating at the Zoning Hearing, the Board authorized him to attend. Mr. Kroberger answered, "I thought they took that off the table." Attorney Onorato, "We don't know what their amended Plan will be yet." Mr. Rieker, "No, I have not seen it. They have just told us informally what they would like to do." Mr. Kroberger questioned the timeframe on the Plan. Mr. Rieker reported there is no timeframe. Attorney Onorato reported if they significantly change their Plan, they will have to re-advertise. Mr. Lapinski stated it is unlikely that they will be heard next week because there is not enough time for them to prepare.

- ZHB 15-19 Caracausa Appeal, 609 W. Prospect. R-1 Residential. Request to permit 4 single family lots, each having a width of 125', whereas a minimum of 200' at building setback line is required. Also requests a reduction in the width of minimum required side yards. Decision to be rendered 12/22/15 (approved).

Mr. Rieker stated that David Caracausa's Appeal is for 609 W. Prospect residential (R-1) zoning and it was approved subject to an eyebrow driveway plan being included as part of the Plan. He stated that it is not an increase in the number of lots allowed, but they are narrower and deeper so that each lot will have frontage. There will be no flag lots. Mr. Rieker reported that this was approved by the Zoning Hearing Board on December 22, 2015, and Mr. Caracausa is in the process of finalizing his Plans to go through the subdivision process of the Township.

- ZHB 09-07 Appeal North Wales Water Authority, WWTP site.

Mr. Perrone reported there were issues at the North Wales Water Authority Wastewater Treatment Plant site related to the North Wales Road Project. He noted that this use has ceased. He reminded there was a subdivision approved for the property, but it was never recorded. Mr. Rieker stated that the Zoning Hearing Board reviewed their notes of testimony on the Appeal. Attorney Onorato stated the relief granted in 2009 was in respect to the continuation of their Plan which has expired, and they have to start over.

- ZHB 15-22 LoPiccolo (LaCampagnola) Rebuild

Mr. Rieker reported that LoPiccolo is going to rebuild from the fire and start over with a new name. He reported that he wants to expand a small corner to allow for outdoor porch dining in the front. He stated the building expands and it is not protected under nonconforming status so the Applicant needs a dimensional variance. Because he is expanding the use outside of the prior envelope, he needs a special exception. Attorney Onorato noted that he is adding a second story apartment use. He noted the parking is one way in and no way out. Mr. Rieker noted that prior decisions of the Zoning Hearing Board have reserved his use to eight or ten spaces on the north side of Park Road. He noted that Mr. LoPiccolo wants to sell that building, and that is something that needs attention because that parking needs to go into a legal document to run with the property and the new owner.

Attorney Onorato suggested that the Board authorize him to attend next week's Zoning Hearing Board meeting. He stated the parking history from previous Zoning Hearings needs to be put on record.

Mr. Kroberger stated that the Board of Commissioners should approve the Township's Solicitor to attend the Zoning Hearing Board Meeting scheduled to be held on January 26, 2016, in regard to ZHB 15-22 LoPiccolo. By motion of Mr. Duffy, seconded by Mr. Ziemba, the Solicitor's attendance at the meeting was approved.

Mr. Rieker stated that the LoPiccolo's lost the outdoor dining appeal and the canopy was removed. The wall next to the parking remained, but Mr. LoPiccolo was still supposed to remove the concrete patio. He received an extension to do that work and then the fire happened and now everything is under cover. Mr. Rieker stated that he will recommend to the Zoning Hearing Board Solicitor that any further approvals include the completion of any leftover or outstanding issues.

- 650 Park Road-Subdivision – still waiting for response from Applicant

Mr. Rieker reported that 650 Park Road subdivision is a two-lot no new dwellings being contemplated by Horgan. There has been a review and T&M has made some minor comments which need to be addressed.

## 2. Village Tea House:

Mr. Perrone reported that the Village Tea House's business has been a success but with that success came a parking issue. He stated that the owner of the Tea House has come up with a solution which is a Parking Agreement with Pizza Time Saloon across the street. Mr. Rieker reported the owner also has an Agreement from the Trustee of Grace Church to park on 15 spaces on their property. He noted that Pizza Time Saloon has a similar Agreement with Grace Church. It was noted that the Church hours and Pizza Time hours are completely different. Mr. Rieker stated that Attorney Onorato should review the Agreement, and he suggested

that if her Agreement with Pizza Time is terminated that she must reduce her occupancy at the Tea House from 40 to 30.

Whether or not crossing West Point Pike to get to the Church Parking Lot is a concern was discussed. Mr. Perrone noted that an upright plaque in the crossing area should be considered. Mr. Rieker noted that T&M did suggest signage in the crossing area. Mr. Rieker noted the original approval was for 31 seats, but the owner misread the Use and Occupancy and put more seats inside than was permitted. He reported the only way to increase capacity for the Tea House was for the Fire Marshal to review the seating plan that keeps emergency access open with proper signage which has been done. He reported that Mr. Tomczak has done that and a new seating plan has been prepared and is within the Workshop packet with a maximum of 40 seats. Mr. Rieker stated that failure to comply with the seating approved by the Fire Marshal and failure to comply with the parking requirements automatically drops her back to the 31 seating limit. Mr. Kroberger clarified her maximum occupancy is 40. Attorney Onorato answered, "If she gets the extra parking." Mr. Rieker reported that she would like more, but the Mr. Tomczak has determined that that is the maximum that is safely allowed, and she has accepted it as part of her request.

Mr. Rieker reported that Tim Loux is going to provide the written Agreement that he has with Pizza Time, and it does not limit the number of spaces. Mr. Santi questioned the Zoning Ordinance and the 350' away. Mr. Rieker noted the word "adjacent" is defined as contiguous (meaning attached) to in the neighborhood. He reported that as the Zoning Officer he is required to give the Applicant the benefit of the doubt, but the Board may conclude differently. Mr. Santi questioned when does the distance become reasonable. Attorney Onorato stated that if the Board is going to permit the parking across the street, it should also provide for a safe connection. Police Chief Duffy noted that he is having the speed limit lowered in the area, and he agrees with the plaque in the crossway since it is not at an intersection. He noted that he does not see a problem with it visibility wise.

Attorney Onorato noted that for long-term planning purposes, the Board might want to think about some parking in that area for the other businesses in the Village. Mr. Perrone noted that the Grant Application could include sidewalks on the Church property.

Once again conflicting hours with the Tea House parking and Pizza Time Saloon parking was discussed. Mr. Rieker noted that the Applicant discussed later hours on Fridays. Mr. Perrone asked Mr. Rieker to document the list of conditions and forward them to Attorney Onorato for his review before the Public Meeting next week. Attorney Onorato stated that this might not be ready for approval until next month.

3. **Resolution No. 01-2016:**

Mr. Perrone stated that Resolution No. 02-2016 is a Resolution for Plan Revision for New Land Development (North Penn Art located at 720 South Broad Street) Sewer Tap-Ins for PADEP. He reported this is really just for a sewer planning module.

4. **Merck & Co., Inc.:**

Mr. Perrone reported that Merck & Co., Inc. requested an extension to a Waiver from Chapter 113-1 which was approved at the September 28, 2015, Public Meeting for a steam line upgrade that will require installation of piping and supports over B12. This request is for backup Sunday Crane Work through March 2016 due to production related delays. Currently work is scheduled for January 29 and 30, 2016, or February 5 and 6, 2016. There will be a few more lifts after that to install piping going up the east and west side of B12 which is located in the NW quadrant of the West Point site.

## ENGINEERING

### 5. Report by T&M Associates (Updates):

- GIS Development (Sugar Valley)/Equipment Received/Hire Summer Intern

Mr. Benner reported that he has the GPS unit, and he is working on getting it programmed for use and it should be ready in a week or two.

- Gwynedd Manor Road Curb Line Drainage Problem – Done/Ultimate cure spring 2016

Mr. Benner reported that he asked Mr. Troxel to reach out to the North Wales Water Authority to see if their water line work could be coordinated with the Township's sewer line work. Mr. Perrone noted they could possibly use the same contractor.

- Revised TMDL Part 1 Strategy and Part 2 Design Details Submission

Mr. Benner reported that the TMDL Strategy and Design Details were submitted on time to DEP. Mr. Perrone reported that he had a very productive first meeting with Merck on this issue.

- North Penn School District Pennbrook Basins

Mr. Benner reported that in regard to the North Penn School District Basin Project, T&M is addressing the second review letter from the Conservation District. He noted that his Design Detail Plans are complete enough that he wants to get a review of them by the School District. He noted they had to move a pipeline on Hancock Road out of the right-of-way of North Wales Road because that is a PennDOT road, and they did not want to deal with a PennDOT Permit. He stated the only outside agency's permission he needs is the Conservation District and then he can move on to the School District. Mr. Perrone noted they are working with PECO and Mr. Benner noted PECO is being responsive. Mr. Benner reported the day after school is out, the contractor needs to begin work and stick to a very diligent schedule.

### 6. Wissahickon Act 167 Ordinance:

Mr. Benner stated Item Nos. 6, 7, and 8 are all related to the Wissahickon Creek Watershed Stormwater Ordinance. It is very comprehensive and there are some changes to the way stormwater plans will be reviewed in the Township, and it incorporates the MS4 Ordinances into it.

### 7. Amending Chapter 109. Grading:

Mr. Benner noted one thing that needs to be done is the Wissahickon Creek Watershed Stormwater Ordinance requirements need to be coordinated into the Grading Ordinance that the Township has in place now.

### 8. Amending Chapter 162. Stormwater Management:

Mr. Benner also noted the Wissahickon Creek Watershed Stormwater Ordinance requirements need to be coordinated into the Stormwater Management Ordinance that the Township has in place now. He noted that this will stay in effect until the Skippack Creek Watershed Ordinance is complete.

Mr. Benner noted that if a resident is doing a small project, they do not have to get an engineer. There was discussion about adding this into the Grading Ordinance.

Mr. Benner stated the impervious coverage in the current Grading Ordinance will be revised to reference 1,000 sq. ft. of new impervious cover instead of 2,000 sq. ft. to match the exemptions referenced in the Wissahickon Creek Watershed Stormwater Ordinance.

**Not on the Agenda:**

Mr. Kroberger questioned the status of the Conrad Avenue basin. Mr. Benner reported that they are still trying to get a Permit from DEP for the stream relocation. Mr. Lapinski reported that basin wetland's work is complete, but the new fence is not installed. Mr. Kroberger instructed Mr. Lapinski to move ahead with replacing the fence.

**FINANCE/PERSONNEL/ADMINISTRATION****9. Alice M. Piekieski:**

Mr. Perrone reported that Alice M. Piekieski will be recognized for 10 years of service to the Township at next week's Public Meeting.

**10. Edward W. Tartar:**

Mr. Perrone reported that Edward W. Tartar will be recognized for 15 years of service to the Township at next week's Public Meeting.

**11. Linda Reber:**

Mr. Perrone reported that Linda Reber will be recognized for 20 years of service to the Township at next week's Public Meeting.

**12. David Brill:**

Mr. Perrone reported that there was an oversight at last month's meeting and David Brill needs to be reappointed as the Township's Treasurer for a two-year term. The new term will expire 12/31/2017.

**13. Appointment to Nor-Gwyn Pool Commission subsequent to the revised Nor-Gwyn Pool Agreement between Upper Gwynedd Township and the Borough of North Wales:**

- A. Eric L. Hansen for two-year term. (Term expires 12/31/2017)
- B. Melissa M. Krise for three-year term. (Term expires 12/31/2018)
- C. Virginia Oldt affirmation of an existing term that will expire 12/31/2019.
- D. Harry Singer affirmation of a five-year term expiring 12/31/2020.

Mr. Perrone reported that North Wales Borough has approved the Nor-Gwyn Pool Commission Agreement. The Township will have the Ordinance approving the Agreement for approval at next week's Public Meeting. He stated that Attorney Onorato would like the new appointments and the existing appointments reaffirmed at Monday night's Public Meeting. He noted that Eric Hansen is completely new to the Pool Commission, but Missy Krise has worked for the Pool for a number of years so he gave her the longer term.

**Not on the Agenda:**

Mr. Santi questioned when and who takes the Oath of Office. Mr. Perrone reported that he looked into that today in the First Class Township Code, and it reads any appointees of the Board of Commissioners. He noted that he was going to ask Attorney Onorato for a legal opinion in this regard. Mr. Santi questioned who administers the Oath of Office to the Boards and Commissioners. Mrs. Caracausa indicated that she meets with everybody, administers the Oaths, and notarizes the documents. Attorney Onorato read from his documentation, "Every person elected or appointed into any Township office in any Township shall before entering upon the duties in his office take and subscribe an Oath and Affirmation." Everyone was in agreement that this needs to continue to be done in the same manner in which it is being done now.

## PUBLIC WORKS/PARKS/RECREATION

### 14. Status of West Point Streetscape Project:

Mr. Perrone reported the West Point Streetscape Project is essentially done. He noted there were some problems with photocells which is being corrected. Carr & Duff now has the replacement pole for the one that was taken down by a motorist on the corner of Garfield Avenue and West Point Pike so that should be installed soon. Mr. Kroberger reminded that the Township should order extra poles to have on hand. Mr. Santi noted how close to the curb the poles are installed and that they are only supported by four bolts. Mr. Lapinski noted they were added to the Township's Insurance Policy.

### 15. Church Street:

Mr. Perrone stated that he received a request from a property owner who resides at 1113 Church Street for the Township to explore the possibility of accepting dedication of their section of the road. He noted that this is a stub road that comes in off of 11<sup>th</sup> Street in North Wales. He reported that the street was built by the developer of The Woods at Gwynedd the modular home development on East Prospect Avenue. Mr. Perrone reported that the property owner would like the street to be plowed by the Township. There was discussion about the gate (Farm Lane) and the fact that it is an emergency access so it cannot be blocked by snow. Mr. Perrone noted that there is a PECO property located there that is just woods, and the Township could push the snow onto that property.

Mr. Santi questioned whether or not the entire street is not dedicated. Mr. Perrone stated it is his understanding that the only part that is not dedicated is between 11<sup>th</sup> Street and the gate. Mr. Lapinski reported that Church Road is not dedicated from the Borough line to the gate. Mr. Duffy clarified the residents that live on 10<sup>th</sup> Street live in the Borough and the residents who live on 11<sup>th</sup> Street live in Upper Gwynedd. Mr. Lapinski reported that the Township asked the property owner to talk to all her neighbors that about Church Street in the Township and have the dedication be offered as a group. Attorney Onorato stated the street is privately owned so property owners on both sides own the street to the center line. He stated all of those property owners need to offer it for dedication.

Mr. Santi suggested preparing a document that states the road does meet the Township's requirement and that the Township needs everyone on Church Road to sign it. Then, let the property owner who is requesting the dedication get the neighbors to sign off on it. Mr. Perrone stated that he and Mr. Lapinski will investigate whether or not curbing and storm sewer exist in the area, and Attorney Onorato should put together a list of other issues that need to be addressed.

### 16. Bernadette Flanigan:

Mr. Perrone reported that Bernadette Flanigan resigned from the Parks and Recreation Advisory Board after many years of service. He noted that her term expired in December of 2015. He reminded that he sent the Board two Resumes today. The woman indicated that she is interested in the Parks and Recreation Board, and he is waiting to hear back from the man as to which Board or Commission he prefers.

### 17. 6 Wheel Dump Truck:

Mr. Perrone stated that Mr. Troxel would like to proceed with his 2016 budgeted \$150,000 purchase of a 6 Wheel Dump Truck via the COSTARS Program replacing a 1999 vehicle that has a bad engine.

### 18. Cedarbrook Country Club:

Mr. Perrone stated the Cedarbrook Country Club Golf Outing Renewal Agreement for 2016 needs to be approved for June 6, 2016. He reported it is still \$125 per person which is the same price as last year.

19. **Skelly's Amusements, Inc.:**

Mr. Perrone stated Skelly's Amusements, Inc. two-year Carnival Contract for September 8 through September 11, 2016, and September 7 through September 10, 2017, needs to be approved. He noted that the pricing is the same as last year.

20. **International Fireworks Agreement (September 9<sup>th</sup> & 10<sup>th</sup>):**

Mr. Perrone stated that International Fireworks Agreement for September 9 and 10, 2016, in the amount of \$10,750 needs to be approved. He reported the price is the same as last year, but they will be providing more intense shows.

21. **Ordinance No. 2016-001:**

Mr. Perrone stated that Ordinance No. 2016-001 adopting a certain Intermunicipal Agreement regarding the Operation and Maintenance of the Nor-Gwyn Pool between Upper Gwynedd Township and North Wales Borough and adopting a certain Termination Agreement regarding the withdrawal of the Lions Club of North Wales from the Nor-Gwyn Pool Commission, among Upper Gwynedd Township, North Wales Borough, and the Lions Club of North Wales. He stated that both communities approved the Agreement, and the Ordinance authorizes the signatures on the Agreement.

## **PUBLIC SAFETY**

22. **5 Mile Running Race:**

Mr. Perrone questioned Police Chief Duffy as to whether or not the Police Department received more information on the 5 Mile Running Race on South Broad Street. Chief Duffy reported that Sergeant Gillen met with the race organizer, and at the present time there is not a viable plan.

**Not on the Agenda:**

Mr. Ziembra reported on a case Valentine vs. Philadelphia Triathlon LLC in regard to the extension of the signing of Waivers. Attorney Onorato suggested checking with the Township's insurance carrier in regard to any potential exposure in this regard.

23. **Spirit Gymnastics:**

Mr. Perrone reported that Sprit Gymnastics is requesting on-street parking on Dickerson Road for their Annual Dalmatian Classic Meet on Friday, February 12 from 11:30 AM to approximately 9:00 PM. It was noted that the event runs from Friday, February 12 through Sunday, February 14, 2016, and they are expecting about 500 gymnasts. He noted that the Police Department has no issue with this request, and the Board agreed.

24. **Ordinance No. 2016-002:**

Mr. Perrone stated that Ordinance No. 2016-002 adopts the policies and procedures for payment of delinquent taxes and reimbursement for cost to the Township of removing, repairing or securing a building damaged by fire under the terms of the Fire Insurance Escrow Act. He reported that it has been advertised, and it is ready for approval next week.

## WASTEWATER TREATMENT

25. **TMA Capital Projects Fund - December Vouchers for Review:**
- A. Univest Bank and Trust Co.  
Upper Gwynedd Towamencin Municipal (Statement Period 12/01/15-12/31/15)  
Current Balance: \$342,577.18
  - B. Bursich Associates: \$1,503.83  
Engineering Fees
  - C. Almeida & Hudak: \$  
Payment No. 5  
Valley Forge Road Meters

Mr. Perrone reported that Item No. 25A, 25B, and 25C are for Mr. Interrante's review, and they refer to the Towamencin Municipal Authority.

There being no further business for public discussion, the meeting was adjourned at 8:08 PM to Executive Session.

Respectfully submitted,

Krista M. Caracausa  
Recording Secretary

**Approved February 22, 2016**