

**WORKSHOP MEETING MINUTES**

July 19, 2016

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

Kenneth E. Kroberger	President
M. Clare Edelmayer	Vice President
James A. Santi	Commissioner
Thomas A. Duffy	Commissioner
Steven C. Sands	Commissioner
Leonard T. Perrone	Township Manager
Michael J. Lapinski	Assistant Township Manager
David Brill	Finance Director
David W. Duffy	Police Chief
David C. Onorato	Township Solicitor
E. Van Rieker	Zoning Officer & Planning Coordinator
Russ Benner	Township Engineer

**CONSULTANTS****PLANNING/ZONING**

Announcement: The Board of Commissioners held an Executive Meeting on Monday, July 11, 2016, at 3:00 PM to discuss contract negotiations related to the Police Contract and other personnel matters.

1. **Report by E. Van Rieker (Updates):**

- Sumney Forge (WaWa Center) – Signs Removed

Mr. Rieker reported there is nothing new on the Sumney Forge Center in regard to Plans. He stated the signs have been removed or turned around so the only actual sign that is present is the WaWa sign.

- Hartford Properties (Formerly Giant) Special Exemption for Sale of Gas ZHB 5/24/16 decided 6/28/16

Mr. Rieker reported that the Hartford Properties Special Exemption for the sale of gas was approved on June 28, 2016.

- Hartford Properties (Formerly Giant) Special Exemption for Hotel ZHB 5/24/16 continued to 7/26/16

Mr. Rieker reported that the second part of the Hartford Properties which is a Special Exception for a Hotel was continued by the Applicant to July 26, 2016, and should be decided next Tuesday.

- ZHB 15-22 LoPiccolo (LaCampagnola Rebuild) – Approved for Restaurant and 2<sup>nd</sup> Floor Apartment. However, they now want to propose a Mixed Use Retail Bldg.

Mr. Rieker reported that LaCampagnola Restaurant would not be rebuilt, which was approved by the Zoning Hearing Board. He reminded that the Applicant is talking about building a retail use, but they have not submitted any Plans. He noted the balance of the building has been demolished down to the foundation. Mr. Santi questioned the building the Applicant owns across the street. Mr. Rieker reported he is adding on an entrance to the building. He noted that he is planning to take over the former Bombay Kitchen at 620 S. Broad Street, but no Use and Occupancy has been issued.

- Moser ZHB – 3 Movie lots off Broad Street ZHB approved 6/28/16

Mr. Rieker reported that in regard to Moser, the first time the Applicant failed to apply for a permit. He reminded that this is the consolidation of three movie lots. He stated no permits have been issued yet, but the Plan was approved by the Zoning Hearing Board.

- ZHB #16-08 Sands, 844 Quinn Lane. Variance to permit deck to extend into rear yard setback R-2 Residential District approved 6/28/16

Mr. Rieker reported that Sands was a permit for a deck in the rear yard and it was approved on June 28, 2016, and permits were issued for it today.

- ZHB #16-09 Hartford Properties, Appeal of the determination of the Zoning Officer to permit multiple uses on a lot C-Commercial District continued 7/26/16

Mr. Rieker reported that this Hartford Properties Zoning Hearing is an appeal of the determination of the Zoning Officer and they are going to argue a point in the C-Commercial District, and this hearing has been continued until August 23, 2016.

- ZHB #16-20 Apple – 236 Croft Road. Variance to permit rear yard addition

Mr. Rieker reported that the Apple Zoning Hearing is a proposal of a building addition over a patio that was previously approved by Variance in their rear yard. This will be heard July 26, 2016.

- ZHB #16-11 Goodman (Country Bride) Special Exception for sale of gas and sign variances

Mr. Rieker reported that Goodman filed for a Special Exception for the sale of gas and sign variances and that will be heard August 23, 2016.

## 2. Cottage Avenue:

Mr. Rieker reported that Cottage Avenue will be a Public Hearing at the Public Meeting on July 25, 2016. He reported that it was advertised on July 8 and 15, 2016. He noted this will be a Conditional Use under R-4. Mr. Rieker reminded the Zoning and Variances were conferred last year so now the Applicant has filed a Final Plan. He clarified the first step to the Final Plan approval is for them to obtain a Conditional Use for the twin homes under the cluster option, the smaller lot sizes, and the Open Space, and that is all that this Hearing is about.

Mr. Perrone noted that the developer began the demolition of Allied Concrete today. Mr. Lapinski reported they are stripping all the metal out. They are going to demo the buildings and then start on the concrete. There is a possibility that the Township can use some of the block for the walls for the relocation of the Township's Public Works storage area. Mr. Kroberger questioned whether or not hours of operation were discussed with the developer. Mr. Lapinski reported that Mr. Quimby met with him this morning and reviewed everything.

Attorney Onorato asked Mr. Rieker if he scheduled a Court Reporter. Mr. Rieker reported that Attorney Watt stated that it is not required. Attorney Onorato stated it is not required but he would prefer the Township has one for a Conditional Use like a Zoning Hearing Board Case because they are making a record. Then, we have a transcript in case we need to do an opinion. Mr. Lapinski questioned whether or not there should be one for the Newbury II Rezone Hearing (next Item). Attorney Onorato answered, "Yes, and he agreed to schedule one for the hearings."

3. **Newbury II (1346 East Prospect Avenue):**

Mr. Rieker stated that the Newbury II Public Hearing will be at the Public Meeting on July 25, 2016. He reported that it was advertised on July 8 and 15, 2016. He reported that this hearing is for a Zoning Classification Map Amendment only. He stated the Applicant has filed Sketch Plans so that the Township knows what they would like to build, but this is in regard to entertaining a Map Amendment from R-2 to R-4 to plan twin homes like Newbury I with the same density and almost the same number of units.

Attorney Onorato questioned whether or not this was posted. Mr. Rieker answered, "Yes. Three of the four corners were posted." Mr. Santi questioned whether or not they have met all requirements such as ballfields. Attorney Onorato stated not yet, but they have submitted a Declaration Covenant which he has to be recorded. Mr. Perrone reported that there are discussions taking place between the developer and Nor-Gwyn Baseball. He noted there was a delay because someone had the wrong email address for Mr. Wicks.

Mr. Lapinski reported that he is meeting with the residents from Newbury I in regard to the Punch List items as discussed at the June Public Meeting. He noted that the Township signed off on that project and the builder signed an 18-month Maintenance Bond. Mr. Santi noted there is a second gate that is required. Mr. Lapinski noted that in regard to the fence on the Homeowners Association property, the developer did receive written permission to put it in that location.

## ENGINEERING

4. **Report by T&M Associates (Updates):**

- GIS Proposal

Mr. Benner reported that the summer Intern will be done collecting the data in the Sugar Valley development this week. He stated the project went really well with the help of Mr. Currie and favorable weather. He reported that Mr. Currie requested an additional area to be done, and the Intern is available for another three weeks. Mr. Lapinski reported he believes it is the drainage basin north of the Briar Glen Pump Station where there have been infiltration problems.

Mr. Benner stated that he would like to revisit the Proposal after the additional work is complete because the original Proposal was just for the Sugar Valley work. He reported that T&M put a lot of time in training the Intern prior to her beginning work at the Township, and they are not charging the Township anything for it. He noted that the Township employees will pick-up where she left off, and the Township will benefit from this work. Mr. Santi questioned why the Township should pay a higher price for work that was done in a shorter period of time. Mrs. Edelmayer clarified that the Township did not pay T&M anything for teaching the Intern how to use the equipment. Mr. Kroberger questioned the amount that T&M has in the project. Mr. Benner reported as of today in the \$14,000 Proposal, he has \$25,000 invested in it and there was even more work done prior to the purchase of the GRS unit from Keystone equipment. Mrs. Edelmayer questioned why Keystone is not doing the training. Mr. Lapinski reported the Keystone equipment was over \$20,000, and Keystone did come and work with him, Mr. Currie, and Mr. Hegedus in January. He noted it is a very sophisticated survey grade piece of equipment that requires a lot of time to gain familiarity. Mr. Benner noted the Intern knew nothing about survey work, and she learned it and got the work done in a shorter period of time than expected so it was a great investment. Mrs. Edelmayer noted the Township will have \$50,000 in this equipment. Mr. Lapinski reminded that the Township contemplated hiring a professional land surveyor to do this work and the cost was double or triple the cost of purchasing the equipment. Mr. Duffy reminded this was an experiment to see if the Township could get enough data to do good modeling, but it has gone well beyond the experimental stage at this point. The Board agreed to

revisit the possibility of adjusting the Proposal amount after they see the amount of work that the Intern completes by the end of August.

Attorney Onorato questioned whether or not the data has been plotted. Mr. Benner reported that he has a meeting scheduled with staff to present the information collected during the data gathering. He stated all the data is on a computer. Mr. Perrone asked if there is a way to check the data for accuracy. Mr. Benner answered, "Yes." He reported it will show all the data on each manhole, and then the Township can decide what to do with the information.

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

Mr. Benner reported that the last issue to be worked through was how the overlay would be accomplished, and it was decided that Mr. Troxel will do the work. He reported that they have given all the information to North Wales Water Authority for them to go out to bid, but he does not know when they are going out to bid. Mr. Perrone stated he will call Mr. Benner to find out tomorrow.

## FINANCE/PERSONNEL/ADMINISTRATION

### 5. City of Philadelphia Earned Income Tax Collection:

Mr. Perrone reminded that there was brief discussion at a previous meeting in regard to the impact of what other municipalities were doing in suburban Philadelphia about the Sterling Act. The City of Philadelphia under the earned income tax rules (Act 511) is one if not the only City in the State of Pennsylvania that is exempt from the reciprocal agreement that we would otherwise have other municipalities (i.e. the Township in which you live gets the tax if you work in another municipality except if you work in Philadelphia). Philadelphia is exempt and they get to keep the tax money. He reported that there is a movement within municipalities particularly suburban Philadelphia who are lobbying to amend the Sterling Act. Mr. Santi questioned whether or not this would be done by Resolution. Mr. Perrone stated it would be done by Resolution supporting language changes to the Sterling Act that would require the City of Philadelphia to reciprocate the Township the tax money or a portion of the tax money that they are collecting from residents that work in Philadelphia but live in Upper Gwynedd.

Mr. Brill reported that per Berkheimer, the Township loses earned income tax \$365,000 from 800 taxpayers. The Board agreed that the Township should pass a Resolution when Attorney Onorato has it prepared.

### 6. Verizon Cable Franchise Renewal Services:

Mr. Perrone reported that there is a movement to renew the Verizon Cable Franchise Agreement within a group through a consortium. Mr. Santi reported that Mr. Cohen's letter states that the Township's Agreement does not expire for two more years. Mr. Perrone stated that he will check with Mr. Cohen to see if he can do anything retroactively.

### 7. Raymond T. Royds, Jr.:

Mr. Perrone stated that Raymond T. Royds, Jr. will be recognized for 15 years of service to the Township at next week's Public Meeting.

## **PUBLIC WORKS/PARKS/RECREATION**

### **8. Merck & Co., Inc.:**

Mr. Perrone reported that Merck & Co., Inc. is giving the Township a \$25,000 Activity Support Grant. He stated representatives will be present at the Public Meeting to be properly recognized.

### **9. Snow Removal Policy:**

Mr. Perrone reminded that the Township was considering changing the Snow Removal Policy, but he realized last week that cancellation deadlines on the contracts with the County and the State were missed for next year. He reported that Mr. Troxel thinks that it is worth a try for a year. Mrs. Edelmayer was in agreement. Mr. Santi stated if a change is made, the Public Works employees need to be clear on what roads need to be salted and plowed. Mr. Perrone stated he would also have meetings with the County and the State if changes are made to make sure that everybody is on the same page. The Board was in agreement to try having the County and State maintain their own roads for one year. Mr. Perrone stated that he will call the County and State to see if he can still cancel the Agreements for the upcoming winter season.

### **10. Articles of Incorporation – Nonprofit:**

Attorney Onorato reported that a meeting needs to be setup to discuss details for the bylaws so that they are acceptable before filing the Articles of Incorporation. Mr. Kroberger suggested himself and Mrs. Edelmayer and then they will present it to the rest of the Board. Mrs. Edelmayer suggested Mr. Kaker, Ms. Croke, and Mr. Brill. Attorney Onorato stated he will send Attorney Thomas to the meeting as well.

### **11. Merck Sharp & Dohme:**

Mr. Perrone reported that the annual Parking Lot Agreement with Merck Sharp & Dohme for the Township Carnival from September 8 through 11, 2016, needs to be approved at next week's Public Meeting.

### **12. Commonwealth Financing Authority – Multimodal Transportation Fund Grant Application:**

Mr. Perrone reminded that the Township filed a Grant Application with PennDOT for the extension of sidewalks from West Point Village to Moyer Boulevard and for gates over the railroad tracks. He reported that PennDOT still has not made a decision on the Grant yet.

Mr. Perrone reported that the Commonwealth Financing Authority (CFA) has a Multimodal Transportation Fund Grant available for curbs and sidewalks. He suggested that the Township apply for the CFA Grant which is due on July 31<sup>st</sup> while waiting to hear about the PennDOT Grant. Mr. Lapinski noted the Grant amount is \$312,204 with a \$93,661 match, but the design work needs to be done. Attorney Onorato stated the design costs can be part of the local match.

Mr. Santi clarified the only thing the Township would be doing is submitting the same information that was used for the first Grant Application on the second Grant Application. Mr. Benner answered, "Correct." The Board agreed that the Township should apply for the CFA Grant.

### **13. Snow Plow Bid:**

Mr. Perrone reported that the annual Snow Plot Bid needs to be authorized for preparation and advertising but that is also relates to the County and State winter services Agreements.

**14. Pennbrook Water Quality Basin Grants:**

- A. Commonwealth Finance Authority \$274,000
- B. Commonwealth of PA Growing Greener \$305,000

Mr. Perrone reported that the Township received a second Grant in the amount of \$274,000 from the Commonwealth Finance Authority for the Pennbrook Water Quality Basin Project. He thanked T&M for a job well done. He noted that he will have a Press Release ready to give to The Reporter at next week's Public Meeting, and it has been posted on the Township's website.

**15. Pennbrook Water Quality Basins ReBid:**

Mr. Perrone reminded that the Township did not receive any bids on the first round of bidding the Pennbrook Water Quality Basin Project.

Mr. Benner stated the project was rebid on July 6<sup>th</sup> and received 9 Bids. He reminded that they removed the PennDOT qualifications and they did not make the Pre-Bid Meeting mandatory. He explained there were three Alternates in the Bid Package. He explained that Alternate 1 contained the addition of an overlook to Basin 1 (PECO Basin). Alternate 2 was exporting the fill from the three basins to Pennfield with all permitting in place. Alternate 3 was exporting the fill from the three basins to Pennfield with the understanding that not all the permits would be available (specifically the NPDES) which would restrict the contractor from spreading the fill at the site. It would need to be confined to a one-acre area. Mr. Benner reported from those Alternates they generated options for the Board to consider.

Mr. Benner reviewed the Options submitted by Horst Excavating as follows:

- Option 1: This is considered the Base Bid. The Contractor takes all of the fill to a location of its choice, and the overlook Basin 1 is not installed. This Option is the lowest price at \$891,117.15.
- Option 2: The Contractor takes all of the fill to a location of their choice, and the overlook Basin 1 would be installed. This price is \$925,559.55
- Option 3: The Contractor takes all of the fill to Pennfield, all permits will be obtained, but the overlook Basin 1 would not be installed. This price is \$886,525.15

Mr. Benner noted the cost savings in Option 3. By the Contractor taking the fill to Pennfield, they are affording the Township a \$5,000 credit. He reported that some Contractors added on to the project and some gave credits in regard to the fill. Mr. Perrone stated they were hoping it would be a bigger cost savings. Attorney Onorato stated it is not worth the \$5,000 with the added regulation in regard to the soil. Mrs. Edelmayer questioned the School Districts expectations. Do they expect the Township to put in the overlook? Mr. Benner stated the School District was always aware that it was an option and the Township would make the decision. Mr. Kroberger questions who was responsible for obtaining the permits. Mr. Benner reported it was always understood the Township was handling the permitting. Mr. Perrone reported that he has a call in to Mr. Dietrich to see if anyone will be upset if they do not get the overlook or if they do not get their field at Pennfield redone.

Mr. Benner reported that the School District had a Plan done by a Landscape Architect a few years ago and they identified the area at Pennfield as a potential area to be enlarged and have new fields built. That was a long-term capital improvement plan, and then along comes a potential to fill that site with dirt and to accomplish some of the work. There was discussion in regard to the possibility of the Tech School Students building the overlook. The Grant money was discussed. Mr. Lapinski noted the Township Budgeted \$500,000 for the project. Mr. Kroberger reminded that this project was to offset the replacement of the four pipes on Dickerson Road, and that price was very high. Mr. Lapinski stated that T&M's recommendation was going to be to allow the contractor to dispose of the fill. Mrs. Edelmayer stated that she wants to hear the school's expectations before making a recommendation. The Board was in agreement with Mrs. Edelmayer.

**16. Nor-Gwyn Baseball & Softball:**

Tuesday, July 12 – Sunday, July 17

Bux-Mont Connie Mack Baseball Tournament

Monday, August 1 – Monday, August 9

Perky League Baseball Championship Series

Mr. Perrone stated that Nor-Gwyn Baseball and Softball requested permission to use their field lights until 12:00 midnight if needed for the events listed above. The Township previously gave permission to them because the first event occurred prior to the Public Meeting so this request will need to be ratified.

**PUBLIC SAFETY****17. 2007 Ford Expedition:**

Police Chief Duffy reported that the Fire Department has an old Crown Vic Police Car that is not working well for them anymore. He reported that the Police Department puts more hours on their vehicles everyday than the Fire Department does, so the Fire Departments vehicles last a bit longer. He stated that he will be recommending two vehicles be replaced next year. Chief Duffy stated that he is recommending turning the 2007 Ford Expedition which is currently unassigned over to Fire Chief Sharkey to replace the Crown Vic.

Fire Chief Sharkey reported the Expedition would be their Officer in Charge vehicle. He reported that the Department is growing at a good rate at this point, and he wants his officers to be more under control on the scene in order to avoid ciaoos before it happens. He stated that they are in need of a 4-wheel drive vehicle that they can use for another 2 to 3 years until his vehicle can be replaced.

Police Chief Duffy stated he reviewed the use and mileage of his overall fleet, and he will be downsizing and eliminating Deputy Chief Poirier's Tahoe. He will trade-in the Fire Department's Crown Vic, Car 6, and the Tahoe. He reported the Police Department equipment that is on the Expedition will come back to them, and the rest of the equipment will go with the vehicle to the Fire Department.

Mr. Santi stated he is ok with the Expedition being transferred as long as it does not create an immediate demand for a new police car. Police Chief Duffy stated he will make due in order to assist the Fire Department. The Board was in agreement with the transfer of the 2007 Ford Expedition to the Fire Department.

**18. Reserve at Gwynedd:**

Mr. Perrone reported that the Reserve at Gwynedd donated \$1,500 to the DARE Program, the representatives from their Homeowners Association have been invited to come to the Public Meeting to be recognized by the Board. Chief Duffy noted that the Car Show was well done, and it was a nice event.

**19. Sgt. Stephen Gillen:**

Mr. Perrone reported that there is a vacancy on the Police Pension Board, and Stephen Gillen has agreed to fill the unexpired term of Scott C. Clark. The term expires on December 31, 2016.

**20. Ordinance No. 2016-013:**

Mr. Perrone stated that Ordinance No. 2016-013 amends Chapter 190, Section 190-1 of the Code of Ordinances to provide for issuance of a citation and release following warrantless arrests. It was advertised and it is ready for approval.

**21. Civil Service Testing:**

Police Chief Duffy reported that he currently has an opening for an Officer in his Department, and it takes about 6 months to go through the hiring process. He noted the current hiring pool is very shallow so he is requesting permission to work with the Civil Service Commission now to begin recruiting. He explained that once he collects the Applications, he issues testing followed by interviews. By then he will have a list of candidates and the Budget will be done, and he can decide whether or not it is a good time to hire.

Mr. Kroberger welcomed the Members of the Civil Service Commission and thanked them for attending the meeting. Chief Duffy reminded that this is Mr. Coleman's first time going through the hiring process, but he noted it is straight forward. He stated he will be in communication with the Commission as they are usually in attendance during the testing process, and they are also welcome to attend the interviews.

Mr. Kroberger questioned the qualifications of the Applicants. Chief Duffy reported the Civil Service Rules specify the qualifications. He noted that if they pass the written and oral exams then they look at High School, GED, and military service for additional points. He noted that each test is weighted. They start with the written test and get a list of the top 20 candidates. Then they conduct interviews and usually only 4 or 5 pass out of the 20. Mr. Kroberger clarified they follow the Civil Service Rules. Chief Duffy answered, "Correct." Mrs. Edelmayer questioned whether the Civil Service Rules are approved by the Township or whether they are state or federal rules. Chief Duffy reported that they are approved by the Board, and they have been amended at least twice since he has been here. Mr. Perrone asked are there any minimum standards that the state requires. Chief Duffy reported that in order to be PA Act 120 Certified (Police Academy) they must have a High School Diploma or GED. He reported that he has not required the Police Academy Certification although he has hired individuals who have already attended or who have had prior experience. He reported that they do not have a requirement for college credits because there is concern that it could lower the applicant pool, and it could disqualify individuals who have military experience. Mr. Kroberger suggested having Chief Duffy and the Civil Service Commission review the requirements for hire in the Civil Service Regulations so that they can be amended if needed before beginning the hiring process. Mr. Perrone asked Chief Duffy to mark any requirements within the Regulations that are required by the state. Chief Duffy reported everything in the Regulations are consistent with the state requirements.

Mr. Kroberger clarified if the Township adds to the minimum requirements, it might reduce the number of applicants. Chief Duffy reported that is what other Police Departments have experienced. He noted that the applicant pool has been thin in the past and has gotten even thinner more recently so he wants to allow sufficient time to recruit more strategically. It was decided that the Civil Service Commission would meet in the beginning of August to review the Regulations and decide if any amendments should be made to them, and Chief Duffy would report the results of the meeting back to the Board.

**22. 2<sup>nd</sup> Annual Gwynedd Square Elementary Fun Run/Walk:**

Mr. Perrone reported the 2<sup>nd</sup> Annual Gwynedd Square Elementary Fun Run/Walk is scheduled for October 22, 2016, at 9:00 AM. The event starts and ends at Gwynedd Square Elementary School. The estimated attendance is 100 participants. Sgt. Gillen will coordinate with Mr. Troxel for cones and barricades at key points on course. There will be no road closures. One scheduled Officer will cross runners at Supplee Road and Garfield Avenue. The other intersections will be handled by volunteers provided by the race director. He reported that this was reviewed and approved by Sgt. Gillen and should be approved at next week's Public Meeting. Chief Duffy noted the event is well contained, and it ran well last year.

**23. Jeffrey A. Tomczak:**

Mr. Perrone stated that Mr. Tomczak needs to meet with Mr. Sands and Mr. Kroberger to discuss the Fire Marshal position while he is deployed as required by his military duty.

**Not on the Agenda:**

Mr. Santi questioned Chief Duffy on the status of the Gwyn-Nor Elementary School parking. Chief Duffy reported that everything in regard to pickups is going well. There were some brief neighborhood complaints, but they policed it heavily and straightened out some issues. He noted it goes very quickly, and the cars are on the street for less than 15 minutes. He stated overall it has been an improvement.

**WASTEWATER TREATMENT****24. Ordinance No. 2016-012:**

Mr. Perrone stated that Ordinance No. 2016-012 authorizes and directs the filing of a declaration of taking for the purpose of construction of a sewage pump station and associated appurtenances. Mr. Kroberger noted it is a partial/friendly take. Attorney Onorato noted the Township will then enter into an Agreement with the parties giving them a fence and some trees that they requested.

**25. C B Structures, Inc. Application for Payment No. 3 and Final:**

Mr. Perrone stated that C B Structures, Inc. Application for Payment No. 3 and Final in the amount of \$9,226.80 needs to be approved for the Wastewater Treatment Plant Garage Project.

There being no further business for public discussion, the meeting was adjourned at 8:23 PM to Executive Session.

Respectfully submitted,

Krista M. Caracausa  
Recording Secretary