

WORKSHOP MEETING MINUTES

September 20, 2016

The September 20, 2016, Workshop Meeting was called to order at 7:00 P.M. Those present were:

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| 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 |

Julie Von Spreckelsen began the meeting with the following statement.

Julie Von Spreckelsen from the law firm of Eastburn & Gray on behalf of Provco Pinegood Sumneytown LLC which is the equitable owner of two contiguous parcels of land located at 708 Sumneytown Pike and 1610 West Point Pike probably better known to you as the Country Bride and Gent as well as the Sumney Tavern. The reason we're before you this evening is that we're requesting that the township stay neutral on our application to the Zoning/Hearing Board which involves the development of the property for a convenience store with accessory motor vehicle fuel sales and before I turn it over to Bruce Goodman, who will present a brief overview of the zoning application and the project, I must point out that my client is seeking the exact same zoning relief that was granted minus the signage application that was granted on June 28, 2016 to Hartford Properties. And that development of the Royal Farms is at a property that's located directly across the street and catty corner to our property. And it's in the same zoning district as my client's property, but that property and that development is much more intensive than what we're proposing. It also proposed a hotel and a retail building, multi-tenant. It also proposes left turns in and out of the development via Sumneytown Pike. And as I'm absolutely sure this Board is aware and your Solicitor can tell you, land use matters may raise people protection concerns. And when there is a conscious discrimination by a township which is demonstrated by disparate treatment of similarly situated applicants, the township has violated the equal protection rights of the disparately treated applicant. This Board authorized Mr. Garrity to attend as special or conflict solicitor, and monitor only the Hartford Properties application. He did not oppose the application, the township did not oppose that application and the township did not appeal the grant of that application by the Zoning/Hearing Board. Again, same application, same relief requested, not opposed by the township and not appealed by the township. Our application cannot be treated any differently than the Hartford Properties application. And with that, I will open it up to Bruce Goodman who can provide an overview of what we're proposing.

Bruce Goodman followed with a presentation. Mr. Goodman recognized representatives from Provco & Pineville and gave an overview of his company & their development of over 20 Wawa's. Mr. Goodman showed exhibits of other Wawa's in similar size that his company has developed. The original plan called for a dual purpose space with Wawa and a drive through bank. The new plan just includes Wawa (retail and gas sales). Mr. Goodman described the proposed signage and showed exhibits. He stated that there is no peak AM traffic at the West Point Pike entrance and said there is parking for 56 vehicles. He also indicated that his plan is to develop the site with no lefts in or out off of Sumneytown Pike. He confirmed cooperation from the two sellers and asked for the Township cooperation in front of the Zoning Board.

Mr. Perrone announced a motion to be made at the Public Meeting on September 26, 2016.

Following Ms. Von Spreckelsen and Mr. Goodman's presentations, the workshop was paused for executive session.

1. **Announcement:** An Executive Meeting was held on Thursday, September 1, 2016 at 8:30 AM in regard to potential litigation and to obtain legal advice from counsel.

CONSULTANTS

PLANNING/ZONING

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

- Hartford Properties (Formerly Giant) Special Exemption for Sale of Gas ZHB 5/24/16 decided 6/28/16. Context of decision appealed by Applicant.
- Hartford Properties (Formerly Giant) Special Exemption for Hotel ZHB 5/24/16 continued to 8/23/16.

Mr. Rieker stated that both are reports that this Board has heard before.

- ZHB #16-09 Hartford Properties, Appeal of the determination of the Zoning Officer to permit multiple uses on a lot C-Commercial District continued 8/23/16.

An indefinite continuation has been agreed upon

- ZHB #16-11 Goodman (Country Bride) Special Exception for sale of gas and sign variances, scheduled 8/23/16.

The Board has heard this already.

- Newbury II (1346 East Prospect Avenue) Zoning Classification (Hearing 7/25/16) decision tabled to September.

Conditional uses have been approved and plans have not changed.

- Zoning Amendment. Misc. text amendments.

Mr. Rieker discussed the various amendments to be made. Mr. Onorato stated that a vote is needed to authorize advertising and will be put on the agenda for the September 26, 2016 Public Meeting.

- Martin Property Sketch Plan Application to be reviewed by Plan Review Committee in October

Mr. Rieker noted an application for the Martin tract (24-acre property) on Allentown Rd. for approximately 27 single family homes.

- * 3. **Motion to authorize James Garrity, Esquire** to represent the Township in opposition to the Zoning Hearing Application of Provco Pinegood Sumneytown, LLC before the Upper Gwynedd Zoning Hearing Board and to authorize Mr. Garrity to engage professional expertise as he may deem appropriate or required.

- * 4. **LoPiccolo Appeal Hearing No. 16-13.**: Authorization to have the Township Solicitor appear at this hearing

Mr. Rieker brought 2 issues to the Boards' attention. The LoPiccolo's want outside dining under a covered porch (24 seats) but there are dimensional issues and the addition will take 2 parking spaces. Mr. Onorato said he will attend the hearing to make sure there is adequate parking and the seating is not to exceed 24 seats.

- * 5. **Cottage Avenue Residential Subdivision:** Subdivision/Land Development Approval with Waivers by way of **Resolution # _____**: Subdivision of Land Development at Cottage Avenue Approval

Mr. Onorato stated that 20 waivers exist.

Mr. Perrone recognized the representatives of Van Cleef.

An overview and in depth discussion of the waivers was led by Mr. Onorato with commentary and explanations from Mr. Benner and Garrett Bergey. Mr. Benner stated that he has no objection to any of the waivers with the exception of waiver #15 (caliper part of waiver 15 to be deleted).

With regard to waiver #6, a lengthy discussion ensued regarding the speed of drainage from one of the 3 drainage areas. Mr. Benner said the site has rain gardens that meet BMP requirements of the Ordinance. Two of the rain gardens are working fine and the third requires the waiver. Mr. Onorato reminded Mr. Benner that he is waiting for his review letter to be inserted in this document.

- * 6. **Newbury Phase I:** Closeout of Escrow Agreement Approval

Mr. Perrone confirmed all things related to escrow are complete.

- * 7. **Ordinance No. 2016-014:** Amending the Zoning Map attached to and incorporated in Chapter 195 of the Code changing the Zoning Classification of a tract of land containing 8.3898 acres from R-2 Residential to R-4 Residential. (Newbury Phase II) Approval

Approval to Rezone (map change)

ENGINEERING

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

- Gwynedd Manor Road Water Main Placement and Storm Water Improvement Project Update

Mr. Perrone stated that we have partnered with North Wales Water Authority on this project. Mr. Benner confirmed there are no issues with school district or neighbors. The plan is scheduled to be completed this year on time. Mr. Perrone said there will be a replacement of trees with a mix of deciduous and pine. It will be noted on the website about the tree replacement plan.

FINANCE/PERSONNEL/ADMINISTRATION

- * 9. **Pennsylvania State Association of Township Commissioners (PSATC) Awards:**
Presented by Drew Sharkey, President (Commissioner of Cheltenham Township)

James A. Santi – 36 Years Recognition
Kenneth E. Kroberger – 25 Years Recognition
M. Clare Edelmayer – 24 Years Recognition

- * 10. **2017 MMO:** Presentation by Dave Brill
Approval

Not yet in packet

- * 11. **Settlement Agreement with Comcast:** Re: Franchise fees, underpayment to UGT

Mr. Perrone confirmed an amount of \$85,000.00 from audit.

PUBLIC WORKS/PARKS/RECREATION

- 12. **Statement by Mrs. Edelmayer:** Carnival Recognitions

- * 13. **Merck & Co., Inc.:** Cost Sharing Agreement for TMDL Implementation Plan
Approval

Mr. Perrone stated this item should be deferred to the Executive Committee.

- * 14. **2017 Roadway Bid with Labor:** Prepare and Authorize

Will be awarded in January

- * 15. **2016-2017 Snow Plow – Equipment Rental Bid:** Horgan Brothers, Inc. \$7,150

- * 16. **Change Order #1: Pennbrook Water Quality Basins:** Credit of \$34,442.40 for elimination of observation deck.
Approval

PUBLIC SAFETY

17. **Wissahickon Watershed Green Ribbon 5 Mile Trail Race:** Scheduled 11/5/16 at 9:00 AM with all runners expected to be done by 10:30 AM. Charity event for Open Space. Begins and ends on Parkside Place. Begins at Parkside Place and follows the Green Ribbon Trail crossing at North Wales Road eventually coming out onto Swedesford Road. Runners will be directed to run along the shoulder of the road across the bridge next to the Evans Mumbauer Bill and then up Evergreen Drive then returning to the Trail. The route will cross North Wales Road again before returning to Parkside Place. There may need to be brief closings at Swedesford Road and North Wales Road if safety dictates. Directors of race will notify the residents on route. Police Department will coordinate with Mr. Troxel for barricades and lawn signs.

- * 18. **Resolution No. 22-2016:** Designating October 9th through October 15th as “Fire Prevention Week”
Approval

WASTEWATER TREATMENT

* 19. **Swedesford Road I/I Project Bid Award:**

Mr. Perrone indicated that we rejected the bids on this project several months ago. It was re-advertised and bids were re-open.

20. **TMA Capital Projects Fund – Vouchers for Review:**

- A. Uninvest Bank and Trust Co.
Upper Gwynedd Towamencin Municipal (Statement Period 07-01-16 – 07/30/16)
Current Balance: \$
- B. Bursich Associates
Engineering Fees: \$

There being no further business for public discussion, the meeting was adjourned at 8:38 to Executive Session.

Respectfully submitted,

Deanna J. Logan
Recording Secretary

Approved September 26, 2016