

MINUTES OF PUBLIC MEETING

September 26, 2016

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration

1. Call to order.

The September 26, 2016, Public Meeting of the Board of Commissioners was called to order at 7:33 PM by President of the Board, Kenneth E. Kroberger. The following individuals were in attendance.

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
Russ Benner	Township Engineer

2. Motion to approve the Minutes of the Public Meeting held on July 25, 2016.

Mr. Kroberger noted that the Public Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Santi, seconded by Mr. Duffy, the Minutes of the July 25, 2016, Public Meeting were approved as presented.

3. Motion to approve the Minutes of the Workshop Meeting held on August 16, 2016.

Mr. Kroberger noted that the Workshop Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mrs. Edelmayer, seconded by Mr. Sands, the Minutes of the August 16, 2016, Workshop Meeting were approved as presented.

4. Motion to approve the Minutes of the Public Meeting held on August 22, 2016

Mr. Kroberger noted that the Public Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Duffy, seconded by Mr. Santi, the Minutes of the August 22, 2016, Public Meeting were approved as presented.

5. Motion to approve the Minutes of the Special Meeting held on September 16, 2016

Mr. Kroberger noted that the Special Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Sands, seconded by Mrs. Edelmayer, the Minutes of the September 16, 2016, Special Meeting were approved as presented.

6. Motion to approve the Minutes of the Workshop Meeting held on September 20, 2016

Mr. Kroberger noted that the Workshop Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Santi, seconded by Mr. Duffy, the Minutes of the September 20, 2016, Workshop Meeting were approved as presented.

7. Motion to approve the Department Reports filed by Township Staff.

Mr. Kroberger noted that the Departmental Reports were sent with the Agenda and asked for comments or questions. Hearing none, upon motion of Mr. Duffy, seconded by Mr. Sands, the Departmental Reports were approved as submitted.

Len noted that he received the Fire Department report today and will email it out to everyone.

8. Presentation of public comments and concerns (limit of five minutes per individual).

The following individuals spoke regarding traffic safety and speeding concerns on Jacks Lane

Tim Feltis 1653 S. Valley Forge

Mr. Feltis said he and 14 members of the Jacks Lane community are here to solicit support on a reduction or elimination of the speeding on Jacks Lane. Mr. Feltis and others stated communication with the police began as early as 2013 regarding this issue.

Lisa Agatone 992 Jacks Lane

In 2013, she wrote a letter to the police expressing her concerns about the speeding on Jacks Lane. She noted the lack of sidewalks on the road and stated she has witnessed many close calls of cars driving fast and almost hitting the pedestrians including children. She has spoke to police several times and wrote several letters. Jacks Lane is being used as a cut through by non-residents of the street. They pick up speed as they are traveling the long road. Ms. Agatone suggested the addition of a stop sign or lines to slow the cars down. Traffic in morning is coming from Valley Forge Road cutting through to Sumneytown Pk. and the opposite in the evening. 7-9 am and 4-6 pm are peak hours for the speeders.

Mr. Kroberger said the Chief will have safety officer contact you.

Brittany Huner 998 Jacks Lane.

Spoke with Officer Pro (safety officer). He set up signals that monitor the speed about 2 weeks ago. He said once the data is collected, a decision would be made on what would work best. He said they may propose possible line painting. Several of the residents propose the installation of a stop sign at Clearview which is one of the intersections on Jacks.

Tammy Simons – 987 Jacks Ln.

She has lived on Jacks Ln. for over 20 years and has seen a vast increase in traffic not just during rush hour. She said people on cell phones in cars are also issues. She stressed getting a stop sign.

Mr. Kroberger was in agreement with the residents and said the Police will look into this problem very carefully and see what the possibilities are.

Michael Simons 987 Jacks Ln.

He stated the road is too narrow to accommodate the speeds the cars are travelling at. He said 2 stop signs are needed; 1 at Clearview and 1 at Clearbrook.

Mr. Kroberger stated that the information gathered will be sent to Penn DOT with the Township's recommendations on what should be done and await their response. He noted that there are Penn DOT rules and regulations on the placement of stop signs.

Dan Noblit 1638 Clearbrook

He is a retired state trooper. He said he is a good judge of speed and some cars are travelling at 50-55 mph.

Erin Wooley 1653 S. Valley Forge Rd.

Asked what kind of time frame are we looking at until something is done? What are next steps?

Mr. Kroberger said Officer Pro will be in touch with someone soon. He suggested the residents appoint a representative to communicate with Officer Pro and to give that information to Chief Duffy.

Mr. Perrone suggested they email Chief Duffy and provide their (residents) email addresses to him.

Chris Heidshaw 978 Jacks Ln.

Question - What is the process of installing a sidewalk on Jacks Lane?

Mr. Kroberger stated it is the property owners' responsibility.

New Topic.

Linda Hoade 701 Garfield Ave, West Point.

Ms. Hoade expressed concerns regarding the possible development of Church Rd./West Point Pike/ Sumneytown Pike. She is concerned about traffic with 2 similar businesses across from one another.

Mr. Kroberger stated there will be 2 planning meetings for residents to express their concerns about the project.

9. Pennsylvania State Association of Township Commissioners (PSATC) Awards
Presented by Drew Sharkey, President (Commissioner of Cheltenham Township)
 - a. James A. Santi – 36 Years
 - b. Kenneth E. Kroberger – 25 Years
 - c. M. Clare Edelmayer – 24 Years

Mr. Sharkey gave an overview of his organization before presenting the awards.

10. Motion to approve the 2017 Minimum Municipal Obligation (MMO) for Pension Funding.

Presented by Dave Brill, Finance Director

Mr. Kroberger stated that this is for information only, not approval.

This is to fulfill the requirements of the MMO. The funds come from the State and the general fund.

11. Motion to approve a Settlement Agreement with Comcast regarding franchise fees and underpayment to UGT. \$84,598.00 refund as a result of audit.

Hearing no questions or comments, upon motion by Mr. Sands, and seconded by Mrs. Edelmayer, the motion was unanimously approved.

M. CLARE EDELMAYER, VICE PRESIDENT

Public Works/Parks/Recreation

12. Statement by Mrs. Edelmayer: Carnival Recognitions

Mrs. Edelmayer noted that the carnival brought in significantly more funds than in previous years. She graciously acknowledged and thanked those who participated in the carnival.

13. Motion to approve the Merck & Co., Inc. cost sharing agreement for TMDL Implementation Plan

This motion was tabled as the agreement was not prepared in time for the meeting.

14. Motion to prepare and authorize 2017 Roadway Bid with Labor.

Hearing no questions or comments, upon motion by Mrs. Edelmayer and seconded by Mr. Duffy, the motion was unanimously approved.

15. 2016-2017 Snow Plow – Equipment Rental Bid: Horgan Brothers, Inc. \$7,150.00

Hearing no questions or comments, upon motion by Mrs. Edelmayer and seconded by Mr. Sands, the motion was unanimously approved.

16. Motion to approve change order #1: Pennbrook Water Quality Basins – Credit of \$34,442.40 for elimination of observation deck.

Question by resident Glen Johnson - How much is the basin project costing? How much is just the one area in UGT?

Mr. Perrone stated the cost (for 3 basins) is about \$900,000 and it is partially funded by two (2) State Grants.

Mr. Benner reported the cost for the basin on Township owned land is approximately \$275,000 – \$300,000.

Joe Mack 309 Newbury – Is the township required to abide by prevailing wages?

Mr. Kroberger responded yes to Mr. Mack's question.

Upon motion by Mrs. Edelmayer and seconded by Mr. Duffy, the motion was unanimously approved.

JAMES A. SANTI

Zoning/Planning

17. Motion to authorize advertisement of Zoning Amendment (Misc. text amendments)

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mr. Sands, the motion was unanimously approved.

18. 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.

Mr. Santi noted that this is the property known as Wawa.

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mr. Duffy the motion was approved. Mrs. Edelmayer abstained from voting on the motion.

19. Motion to authorize the Township Solicitor to appear at the LoPiccolo Appeal Hearing No. 16-13.

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mr. Duffy, the motion was unanimously approved.

20. Motion to approve by way of Resolution # 23-2016 The Cottage Avenue Residential Subdivision/Land Development Application and Waivers.

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mrs. Edelmayer, the motion was unanimously approved.

21. Motion to approve 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).

The Applicant's development team was present – David Perlman, PRDC, Edwin Mullin, Esq. and John Kennedy, PP. Mr. Mullin indicated that the plan has changed based on suggestions made at the July 2016 re-zoning hearing. John Kennedy showed an exhibit noting the proximity of units 9 and 10 to Newbury I Subdivision. He further stated that all units beginning with 9 and 10 have been rotated clockwise to provide additional space and are not in the tree line and trees will not have to be cleared. Trees at the church parking lot will now be part of the design. They received input from the Fire Marshal who said Emergency Access needs to be 16' wide. The configuration of the Emergency Access is per the Fire Marshal's instructions. Lots 31 and 32 have been reconfigured as well as the entry island. Lot 31 is same size as all other units and lot 32 is 7' shorter but elevations will match from the street. The plan has been modified according to suggestions by residents and neighbors. Mr. Kennedy agreed to construct a planted berm, but cannot commit to a specific size of berm at this time as engineering has not reviewed any plans. He stated that they will make it as large and as tall as possible. He further said that this is the maximum size of the property and that some units may be eliminated during the land development stage.

Ed Mullin commented on the berm, shrubs and trees as well as the cost. He stated he was willing to commit to \$5000, but wants the Township Developer to choose the materials used, and not the residents. Mr. Mullin further discussed existing trees/vegetation and options for residents to choose what they want to keep along the common property line. He stated they have no problem committing to marketing the homes as luxury carriage houses, but noted, should the housing market take a downturn, that may be adjusted.

A discussion ensued regarding parking and Mr. Kennedy assured the Board that there is more parking than what is needed.

Questions from Residents

Joe Mack, 309 Newbury Ct.

Mr. Mack said this new plan is an improvement, but stressed it be only 30 units. He is concerned with units 9 & 10 encroaching on the vegetation.

Mr. Kroberger reiterated that the plan is 32 units at present and it is at the maximum. Units may be eliminated but it will not be more than the current 32. He went on to say that the units have been moved so they are not in the line of vegetation (from 103' to 125')

Joe Mack restated that nothing would be taken off the tree line and it was determined that the tree line is the edge of the drip line or existing vegetation. Mr. Mack expressed his concerns about not committing to berm height. A long discussion ensued regarding berm height, cost of berm, types of housing being built and fence size, etc. Mr. Mack was reminded several times that many of his questions and concerns are for the land development stage of the process and that this stage has to do with rezoning the parcel only.

Mr. Mack reiterated that he wants to see only 30 units built. He also said it unfair to vote on this since we are seeing these revisions for the first time.

Joanne Brown 343 Farm Ln.

Ms. Brown stated she is not sure why her name was in the newspaper about her land abutting this property.

Response by Mr. Perrone and Mr. Santi – It was about a fence encroachment on Brown's property. The Farm Lane HOA agreed to maintain the fence.

Joe Mack 309 Newbury Court

Mr. Mack stated that he wants on the record that deed restrictions have to be offered by the applicant and cannot come from the Township as stated by Mr. Onorato.

Glen Johnson 325 Newbury Court.

Mr. Johnson wants the Board of Commissioners to defer action on the vote to rezone until the residents can look at the revised plan regarding Newbury Phase II. He wants the line rechecked to confirm that no trees will be cut down at units 9 and 10. Mr. Johnson wants several conditions added to the agreement such as the elimination of units 9 & 10 from the site plan.

Mr. Onorato responded and said anything can be added to a restricted covenant but it has to come from the applicant. He further stated that the applicant has committed to building no more than 32 homes as well as other protections.

Mr. Santi said the builder has made revisions based on the residents' concerns. He went on to say that this plan has not substantially changed, just improved and will make the motion to rezone.

David Perlman, applicant stated he has been at this process for 2 years. He requested a favorable vote tonight and said he will continue to work with residents and the Township.

Mr. Onorato indicated that the developer has made a commitment to donate \$30,000.00 to Nor Gwyn Baseball, to replace the lights on their ball field, should this plan go through. Mr. Onorato has not seen an agreement for any funds for Newbury I. Mr. Mullen indicated that an agreement was sent to Newbury I, which was then modified and returned. Mr. Pearlman signed off on the modifications but Newbury I has not signed yet. Once the document has been signed, \$40,000.00 will be given to the Newbury I Homeowner's Association.

Mr. Sands questioned the developer about an apparent loss of over 5000 square feet of open space.

The developer responded that they are still in excess of open space and the area within the emergency easement and the basin are not included in that open space. A discussion ensued regarding clarification of the location and maintenance of a proposed fence. Mr. Sands suggested that deed restricted open space be added at the fence location along The Farm Lane HOA property line.

Mr. Johnson requested it be reflected in the minutes that no trees will be cut down to accommodate units 9 and 10.

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mr. Duffy, the motion to approve Ordinance 2016-14 was unanimously approved.

22. Motion to approve closeout of escrow agreement for Newbury Phase I.

Mr. Santi stated that the escrow amount is \$57,501.00 and that all items on the punch list have been completed.

A call for questions/comments was made following Mr. Santi's motion to approve.

Mr. Glen Johnson, 325 Newbury Court, requested the Board to delay the motion. He stated that \$136,000.00 of expenses have been identified relating to the Newbury Phase I Subdivision.

- A. 24 water pumps installed in each unit to improve water pressure. (\$38,000.00)
- B. Storm water basins (Ponds) – Mr. Johnson stated there are 3 in Newbury I that developed algae over the summer and it clogged the pumps. He is looking for \$60,000 to dredge the basins (ponds).
- C. Reimbursement for Chemicals (\$2,500.00)
- D. Bubblers need to be fixed (fountains)

Mr. Johnson said it is a total \$136,000 to cover these expenses that are out of pocket for the Newbury I residents.

Mr. Benner said that he and Mr. Lapinski can investigate all the issues and share information or make recommendations to the HOA.

Mr. Lapinski noted the project is under an 18-month maintenance agreement to cover items that residents need addressed i.e. cracked sidewalks, second gate, etc.

Mr. Mack requested to accompany Mr. Benner when he inspects Newbury I. He identified an additional issue regarding the fence around the drainage area and wants a document that holds the HOA harmless and indemnifies Newbury I from liability regarding the fence.

Mr. Perlman responded to Mr. Mack and said Newbury II (from Prospect Avenue all the way up) will take care of maintenance of the fence and there is a document in Newbury II papers that reflect that and takes maintenance responsibility from Newbury I. Farm Lane needs to have insurance on their side of the fence.

Mr. Onorato will look at the fence agreement.

Hearing no questions or comments, upon motion by Mr. Santi, and seconded by Mrs. Edelmayer, the motion was unanimously approved.

STEVEN C. SANDS

Public Safety

23. Motion to approve the 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 & 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 Mill 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.

Hearing no questions or comments, upon motion by Mr. Sands, and seconded by Mrs. Edelmayer, the motion was unanimously approved.

24. Motion to approve Resolution No. 22-2016: Designating October 9th through October 15th as "Fire Prevention Week".

Hearing no questions or comments, upon motion by Mr. Sands, and seconded by Mr. Santi, the motion was unanimously approved.

THOMAS A. DUFFY

Wastewater Treatment

25. Motion to approve Swedesford I/I Project bid award to Wexcon in the amount of \$87,000.00

Hearing no questions or comments, upon motion by Mr. Duffy, and seconded by Mrs. Edelman, the motion was unanimously approved.

26. Motion to approve Danner Property settlement, Valley Forge Road.

Mr. Duffy noted the settlement is for \$80,300.00. Hearing no questions or comments, upon motion by Mr. Duffy, and seconded by Mr. Santi, the motion was unanimously approved.

OTHER BUSINESS

27. Approval of the September, 2016 bills.

Mr. Kroberger noted that the Board had received a copy of the General fund bills. Hearing no questions, upon motion by Mr. Duffy, seconded by Mr. Sands, the General Fund bills for September were approved. Mrs. Edelmayer abstained from approving the Zoning Solicitor's bill.

Mr. Kroberger advised that the Board had also received a copy of the bills from the Sewer Fund and asked for questions or comments. Hearing none, upon motion by Mr. Duffy, seconded by Mr. Sands, the Board unanimously approved the Sewer Fund bills.

Mr. Kroberger advised that the Board was also being asked to approve invoices from all other funds. Upon motion by Mrs. Edelmayer, seconded by Mr. Sands, the Board unanimously approved these invoices as well.

Mr. Kroberger advised that there were a number of invoices that had been prepaid. Upon motion by Mr. Santi, seconded by Mr. Duffy, the Board unanimously approved the pre-paid invoices.

28. Call for Adjournment.

There being no further business, upon motion by Mr. Santi, seconded by Mr. Duffy, the meeting was adjourned to Executive Session at 9:57 PM.

Respectfully Submitted,

Leonard T. Perrone
Secretary

/djl

Approved October 24, 2016