

WORKSHOP MINUTES

April 18, 2017

* Items are scheduled to be voted on at the April 24, 2017, Public Meeting.

The April 18, 2017, Workshop Meeting was called to order at 7:00 pm. 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 C. Onorato	Township Solicitor
Russ Benner	Township Engineer

1. **Presentation of Public Comments and Concerns:** (Limit of five minutes per individual)
Due to Items #2 and #3

Mr. Perrone noted that we have two (2) items on the agenda that need to be voted on. Mr. Kroberger asked for public comments to be brought before the Board. There were none.

- * 2. **Motion to Approve the Settlement Agreement for the Nicoletti Assessment Appeal:**
Approval

Mr. Kroberger said this motion has to with the Broad St. property that was purchased from Merck. Mr. Onorato said this is a request by the Nicoletti Trust to adjust the assessment on that property. They purchased the property for \$2M and they are asking for their assessment at \$2M. The School District received an appraisal of the property and it supports the \$2M value. The property is currently vacant. Mr. Santi asked if someone occupies the building, will the assessment will go up, to which the reply was yes. Mr. Santi then asked, how does it go up? Mr. Onorato responded that they will reassess it, based upon change in condition. Any taxing authority can have the property reassessed. Mr. Perrone added that they will apply for building permits and the permits will be reported to the County Board of Assessments. Mr. Sands asked, what is the acreage of the property, to which Mr. Onorato responded 15 - 17 acres of useable space (building and parking garage). Mr. Santi said it is 43.51 acres in total. Mr. Sands asked, what does this assessment do in terms of comparatives for anyone asking for a reassessment for raw ground? He brought up the point that other property owners can use the same criteria to lower their assessment for commercial property. Mr. Brill said the property would have to be vacant and all of the other perimeters would have to be the same (i.e. no income on the property, empty, etc.). Mr. Perrone reiterated that the Board of Assessments will reevaluate a property anytime a building permit is issued.

Mr. Onorato said this motion will also to allow him to sign the settlement on behalf of the Board of Commissioners.

Hearing no questions or comments, upon motion by Mr. Santi, seconded by Mr. Duffy, the motion to approve the settlement and permit Mr. Onorato to sign the settlement, was unanimously approved.

- * 3. **Motion to Appoint Jim Garrity, Esquire:** On matters related to the Wawa property on Sumneytown Pike and Valley Forge Road.

Mr. Kroberger noted that we received a letter from the attorney for Wawa (Sumneytown Pike and Valley Forge Road). He said they want a legal opinion as to the status of that property at this point in time. Mr. Kroberger went on to say that the response should come from our Zoning Officer, but the legal opinion relative to this property, should be prepared by our acting attorney for this case. Mr. Onorato said Mr. Goodman has an interest in this property so he has recused himself because he has represented Mr. Goodman on other matters unrelated to this so it would be appropriate for the Board to appoint other counsel. Mr. Sokil asked if there was a cost. Mr. Kroberger said it is a letter, so the cost would not be substantial, as it is just a response to a question in a letter.

Hearing no questions or comments, upon motion by Mr. Santi, seconded by Mr. Sands, the motion to approve the settlement was approved. Mr. Edelmayer abstained from voting.

CONSULTANTS

PLANNING/ZONING

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

Mr. Lapinski reported on Planning/Zoning in Mr. Rieker's absence.

- Newbury Phase II
The surplus land at Sanctuary Methodist Church. They have applied for a 30 lot subdivision. It was rezoned to R4, but they will need a conditional use. They are currently addressing review letters and will make a first appearance at the Planning Commission meeting on May 1, 2017. Mr. Lapinski added that we may set the Public Hearing for May
- Enclave at Gwynwood Farm – Four (4) lot sub-division on W. Prospect. This went before the ZHB almost two (2) years ago for lot width variance. It is scheduled for the Planning Commission meeting on May 1
- Martin Tract – They have not submitted any formal subdivision application yet. There has been correspondence from their engineers (traffic study). Mr. Heinrich will review the traffic study. They are in the process of pursuing their sewer plans. They will not present to the Planning Commission in May.
- Giant Retail Sites – The attorneys are working out an agreement.
- ZHB 17-08 – Renal Treatment Center, North Penn Marketplace – Dialysis treatment. They need a special exception. Mr. Onorato suggested this be discussed in Executive Session.

- * 5. **Ordinance No. 2017-004:** Amending Chapter 195, adding section 195-37.1 regarding merger of adjacent lots. Advertised April 5 & 12, 2017
Approval

6. **Provco Pinegood Wawa Letter of Extension:** To May 23, 2017

Mr. Perrone said this is for the Wawa at Sumneytown Pike and West Point Pike. They have offered an extension to May 23, 2017 as the matter will remain with the Planning Commission for another month. Mr. Onorato said this does not require a vote as we have their letter.

7. **Newbury II Letter of Extension:**
Approval

Mr. Lapinski said they gave us an indefinite extension, however, upon thirty (30) days' notice, they can set the date. This does not require a vote as we have their letter. Mr. Lapinski noted that there is a problem with the way the rezoned parcel and their subdivision plan line up, so they are addressing that issue. Mr. Onorato said they gave us a description and we advertised and adopted the rezoned map, but now their plans are slightly different. The plans are still within the rezoned map, but there is excess land that would be the church property and this sliver of land would be zoned R3, so they are addressing that issue and they still have to deal with their storm water management and discharge on the PECO land.

* 8. **Merck & Co., Inc. request for waiver from Chapter 124-5 & 113-1 of the Township Code:** After Hours Crane Work – Weekends in May
Approval

Mr. Perrone noted that the two requests from Merck are for roofing projects.

* 9. **Merck & Co., Inc request for waiver from Chapter 113-1 of the Township Code**
Backup Sunday Crane Work for Building 29
Approval

ENGINEERING

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

- Merck / UGT MS4 Partnership
 - Map of Projects (14)
 - Scoring Matrix
 - 2 Draft Proposals

Mr. Benner said he is reporting on the status of a series of meetings that have occurred over last 4 months with the Merck / UGT MS4 Partnership. He noted that Mrs. Edelmayer and Mr. Kroberger are part of this Committee. It is comprised of two (2) committees; a technical sub-committee (Merck & UGT Engineers & Mike Lapinski) and the other representatives of Merck and UGT (staff, consultants, legal counsel, elected officials).

He went on to say the purpose of the group is to determine a list of projects for new MS4 permit cycle which will begin in 2018 (5-year cycle). Mr. Benner said we will be filing an NOI (Notice of Intent) in September. Mr. Benner said the emphasis for the next cycle will focus on the Skippack Creek as we met the obligations for the Wissahickon. A map locating the fourteen (14) projects was presented showing which projects are Merck and which are Upper Gwynedd Township. The map shows projects that are part of the current cycle and those that will be included in the next permit cycle. Mr. Benner said that Merck has a system that they use when doing projects; a decision matrix process. The Committee used the matrix in order to prioritize the projects. There are six projects in the next permit cycle. Mr. Benner explained how the matrix works. There are four (4) pre-qualifiers; Land Rights, Permit Cycle,

Permissibility and what Watershed the project is in. Ten (10) success factors were identified for the projects that included for TMDL reduction, Stackability, Collaborate with Partners, Type of Project, Fundability, O&M Cost, Cost vs Benefit, Land Availability, Political Impact and Permitting. The technical sub-committee, with discussion from the Committee decided on the "weighting" factor or importance for each success factor (adding up to 100), then each success factor is assigned a number, 1 – 5, based on certain criteria (impact). Those figures are multiplied together, and it gives the project a ranking. The highest possible score is 500. The Pennbrook Water Quality Basin project was calibrated and it scored at 361. The six (6) projects were then ranked highest to lowest. Mr. Kroberger noted there is some additional refinement to be done to the spreadsheet from the information the Committee receives from the proposals Mr. Benner has prepared. Mr. Perrone said this system gives a priority ranking to the projects. The first project based on ranking is a UGT project and the next three are Merck projects and the last two are Township projects. Mr. Benner said the Committee recognized that this ranking is preliminary.

Two proposals were prepared by T&M; one for Merck and one for UGT for a feasibility analysis. The project ranking may change as a result of the study. The results of the study will go back into the matrix for reevaluation to see if any of the ranking changes before the list is finalized. Mr. Benner praised the Committee and the experience with the Merck partnership.

11. **Wissahickon TMDL Alternative**
Status Report

Mr. Lapinski said this is the water quality partnership with sixteen municipalities for the Wissahickon that the Township entered into six months ago. Mr. Lapinski recapped the last meeting and said the Management Committee voted to appoint an attorney, Manko,Gold from Philadelphia. Temple University will continue to create a model for phosphorus reduction in the Wissahickon. The next phase for the Management Committee is to hire a technical expert to review the study done by Temple. An RFP will probably go out over the summer. The legal counsel is needed to get answers from EPA and DEP regarding regulatory requirements. The Board will have to decide if they want to enter into a collective agreement with the Wissahickon communities and still have your individual responsibility of your MS4 program. Mr. Lapinski said the meetings are held monthly on the third Thursday of the month. Mr. Perrone added that we continue to work with the three (3) other Wastewater Treatment Plants.

12. **Multimodal Transportation Fund Program:** West Point Pike Rail Crossing
Application was approved on July 25, 2016
Grant Denial

Mr. Perrone reported that unfortunately this grant was not approved. This was to be a supplemental grant for the continuance of work in West Point Village. We will continue to seek grant money. We recently applied for the 2017 Multimodal Grant.

FINANCE/PERSONNEL/ADMINISTRATION

* 13. **Proposal for HVAC Control System Review:** By Postler & Jaeckle for \$8,640.00
Approval

Mr. Perrone said we have received a proposal for HVAC Control System Review. This proposal is from a highly recommended company. Mr. Perrone added, our current system needs to be completely reviewed with training of personnel as it is a complex system. This is for a review of the entire HVAC system. The system has not been reviewed since 2004. Mr. Lapinski said the control system we have is from Keystone which was bought out by P&J. Our current HVAC technician, Bob Widman is retiring. This

company will add value to the maintenance responsibilities for the entire HVAC system. Mr. Santi asked if we should get additional bids. Mr. Kroberger will review the proposal and have a recommendation prior to Monday's Public Meeting.

- * 14. **2017 PSATC Annual Commissioners Conference:** June 22-25, 2017, Double Tree Resort, Lancaster, PA
Registration Deadline is May 10, 2017
Approval

Mr. Perrone said this is to authorize the expense of the conference.

- * 15. **Audio/Visual Proposal:** For Meeting Room
Approval

The proposal has not yet been received.

- * 16. **Recognition of Garrett Belfield:** For his efforts in renovating the community building kitchen as part of his Eagle Scout project

PUBLIC WORKS/PARKS/RECREATION

- * 17. **Authorization to Advertise Ordinance No. 2017-005** – Smoking Ban in Parks, Playgrounds and Open Space in Upper Gwynedd Township
Approval
- 18. **Pickleball Courts Project:**
Status Report

The project is currently under construction.

- 19. **Community Center Feasibility Phase:**
Status Report

Mr. Lapinski said we had a meeting with BKP to begin this process. They discussed various ideas and BKP will refine those for the next meeting. Some possible sites were discussed, as well as programming and the size of the building. There are three (3) possible locations. BKP will provide several preliminary designs and cost estimates.

- * 20. **Motion to Approve Ordinance No. 2017-003:** To exclude UGT owned utility facilities from the provisions of the chapter. Advertised April 5 & 12, 2017
Public Hearing at the Public Meeting on Monday, April 24, 2017
Approval

Mr. Perrone noted this Ordinance will exclude Township projects from the land development process for utility owned facilities for stormwater and/or wastewater projects.

- * 21. **Bid Award for 2017/2018 Equipment Rental Contract:**
Approval

Mr. Lapinski said this equipment will be used mostly for MS4 projects that we received grant funding (NFWF and Growing Greener). The bid award is to Floyd Hersch for \$228,760.00. Mr. Benner said the low bidder is a good group that he has worked with before.

22. **Vacancy on Parks & Recreation Advisory Board:** Resignation of Susan Furlong
Status Report

Mrs. Edelmayer said she has reached out to several people. The resumes were sent to the Commissioners.

PUBLIC SAFETY

WASTEWATER TREATMENT

- * 23. **CIP Point Repair Bid Award:** Bid Opening on April 17, 2017 at 10:00 am
Approval

Mr. Perrone said Anthony Price of EEMA recommended the award to Mobile Dredging & Video Pipe for \$66,300.00. The repairs are on Green St. between Rosemont and White's Rd.

- * 24. **Resolution 06-2017:** Establishing a fee for the operation of the Township's Pre-Treatment Program during calendar year 2016
Approval

Mr. Perrone noted this is annual motion where we calculate the cost that we incurred last year for the implementation of our MIPP program. This establishes what our permit fee will be for this year, based on our cost of the program last year.

- * 25. **Release of Maintenance Bond to Toll Brothers:** Preserve at Worcester
Approval

Mr. Perrone stated that we take sanitary sewer waste from the Preserve at Worcester. The system has been operational for approximately two (2) years. This release comes with the recommendation of EEMA. Mr. Lapinski said the pump station was last inspected two (2) weeks ago.

24. **TMA Capital Projects Fund – Vouchers for Review:**
- A. Univest Bank and Trust Co.
Upper Gwynedd Towamencin Municipal (Statement Period 3/1/17 – 4/02/17)
Current Balance: \$284,992.96

 - B. Bursich Associates (2/12/17 – 3/18/17)
Engineering Fees: \$1115.59

 - C. Pennsylvania Turnpike Commission
Easement Agreement: \$427.02

Meeting was adjourned at 7:58 pm to Executive Session.

Respectfully Submitted,

Leonard T. Perrone
Secretary

/djl

Approved May 22, 2017