

PUBLIC MEETING MINUTES

April 24, 2017

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration

1. Call to order.

The April 24, 2017, Public Meeting of the Board of Commissioners was called to order at 7:31 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
Monica Wall	Acting Township Engineer
Richard Watt	Acting Township Solicitor

Mr. Kroberger suspended the public meeting and opened the Public hearing.

2. Public Hearing

The purpose of this hearing is to hear comment pursuant to amending sections 195-3 and 195-8 of the Upper Gwynedd Code to exclude Upper Gwynedd Township owned utility facilities from the provisions of the chapter. (Ordinance No. 2017-003)

Exhibits:

- T1: Authorization to Advertise Ordinance 2017-003
(Minutes from the Public Meeting of March 27, 2017)
- T2: Legal Advertisement (April 5 & 12, 2017)
- T3: Montgomery County Planning Commission Review Letter
- T4: Upper Gwynedd Township Planning Commission Review Letter

Mr. Kroberger read the purpose of the hearing and introduced the four (4) exhibits into record (see above).

Mr. Kroberger then handed over to Richard Watt, Township Solicitor (Acting).

Mr. Watt said the Ordinance amends the zoning code in a couple of respects. It adds a definition of a utility facility, as any facility that the Township owns that provide services to the municipality (treatment plant, pump station, retention basin, pipes, etc.). It also exempts those utility facilities from the dimensional requirements of the zoning code and permits the placement of the utility facility in any

property, in any zone except where it is specifically excluded. It broadens the scope of where the Township can place utility facilities and loosens the dimensional requirements

Mr. Kroberger said this Ordinance would apply to our diversion project. We are amending the code to allow us to build these kinds of facilities that are necessary.

Mr. Kroberger asked for any questions from the Board to which Mr. Duffy commented that the Montgomery County Planning Commission and the Upper Gwynedd Township Planning Commission have both recommended approval.

3. Request for public comment

There were no public comments in favor of or in opposition of Ordinance No. 2017-003.

4. Motion to close the Public Hearing and open the second Public Hearing

Hearing no questions or comments, upon motion of Mr. Kroberger, seconded by Mr. Duffy, the motion to close the hearing and open the second hearing was approved.

5. Public Hearing (2)

The purpose of this hearing is to hear comment pursuant to amending Chapter 195 of the Upper Gwynedd Township code by adding a new section 195-37.1 regarding the merger of adjacent lots. (Ordinance No 2017-004)

Exhibits:

- T1: Authorization to Advertise Ordinance 2017-004
(Minutes from the Public Meeting of March 27, 2017)
- T2: Legal Advertisement (April 5 & 12, 2017)
- T3: Montgomery County Planning Commission Review Letter
- T4: Upper Gwynedd Township Planning Commission Review Letter

Mr. Kroberger read the purpose of the hearing and introduced the four (4) exhibits into record (see above).

Mr. Kroberger then handed over to Richard Watt, Township Solicitor (Acting).

Mr. Watt said this Ordinance deals with a unique situation, which addresses an issue where you have two (2) adjoining lots that because of a change in the zoning law, those lots become non-conforming. This ordinance creates a presumption in two separate instances. The first instance, you may have two adjoining lots owned by different owners and the lots become non-conforming as a result of a zoning change. This ordinance will clarify the presumption as to whether or not those lots become merged because they are subsequently owned by the same person. In that instance, the presumption would be that it is up to the Township that the now one owner of these two lots intended the lots to be merged. The other instance is you have two lots with one owner and because of a zoning change, both lots become non-conforming. In that instance, the presumption is that it is up to the land owner to rebut the presumption that the land owner intended those lots to be merged. It is meant to clarify what presumptions apply in this rather unique situation.

Mr. Kroberger said this deals with the old movies lots (small parcels of land). This ensures that the surrounding areas are protected from buildings taking place on these lots.

6. Request for public comment

There were no public comments in favor of or in opposition of Ordinance No. 2017-004.

7. Motion to close the Public Hearing and resume the Public Meeting

Hearing no questions or comments, upon motion of Mr. Kroberger, seconded by Mr. Santi, the motion to close the hearing and resume the Public Meeting was approved.

8. Motion to approve the Minutes of the Workshop Meeting held March 21, 2017

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 March 21, 2017 Workshop Meeting were approved as presented.

9. Motion to approve the Minutes of the Public Meeting held March 27, 2017

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 Mrs. Edelmayer, the Minutes of the March 27, 2017 Public Meeting were approved as presented.

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

Mr. Kroberger asked for comments or questions. Hearing none, upon motion of Mr. Duffy, seconded by Mrs. Edelmayer, the Departmental Reports were approved as submitted.

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

There were none

12. Recognition of Garrett Belfield for his efforts in renovating the community building kitchen as part of his Eagle Scout project (in attendance)

Mr. Alex Kaker, Parks and Recreation Director, introduced Garrett Belfield. He congratulated Garrett on earning his Eagle Scout, to which everyone applauded his accomplishment. Mr. Kaker went on to say as part of the work for his Eagle Scout, he did a project to renovate the community building kitchen by putting in new cabinets and painting. He was presented with a Certificate of Appreciation. Garrett then shook the hands of all the Board members as they offered their thanks and congratulations. Mr. Kroberger asked Garrett when he received his Eagle Scout, to which he replied in March. The Board then offered their congratulations to Garrett's parents. Mr. Kroberger said it takes a lot of family involvement and said they should be very proud.

13. Motion to approve the HVAC Control System Review Proposal by Postler & Jaeckle for \$8,640.00

Mr. Kroberger tabled this motion until further information is received.

Hearing no questions or comments, upon motion by Mr. Kroberger, seconded by Mr. Santi, the motion to table the HVAC System Review was approved.

14. Motion to authorize the expenditure of the 2017 PSATC Annual Commissioners Conference of \$783.96 per Township Official from June 22-25, 2017 at the Double Tree Resort, Lancaster, PA

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

M. CLARE EDELMAYER, VICE PRESIDENT

Public Works/Parks/Recreation

15. Motion to authorize the advertisement of Ordinance No. 2017-005, to ban smoking in Parks, Playgrounds and Open Space in Upper Gwynedd Township

Mrs. Edelmayer says this is the advertisement of the ordinance to ban smoking and smoking products (cigars, chewing tobacco, etc.) in parks, playgrounds and open space in the Township.

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

16. Motion to Approve Ordinance No. 2017-003: To exclude UGT owned utility facilities from the provisions of the chapter.

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

17. Motion to approve the Bid Award for 2017/2018 Equipment Rental Contract to Floyd G. Hersh, Inc. for \$228,760.00

Mrs. Edelmayer said three (3) bids were received. We accepted the lowest bid (Floyd Hersh)
Mr. Perrone noted that this is based on an estimated number of hours.

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

18. Motion to approve Payment #6 to Horst Excavation for the Pennbrook Water Quality Basins in the amount of \$59,790.09.

Please Note: This was not part of the Workshop Agenda

Mrs. Edelmayers said there is only about \$80,000.00 left in retainage.

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

Mr. Duffy asked if they are turned on. Ms. Wall said they are not and there is a meeting with the conservation district tomorrow to see when they can be turned on.

JAMES A. SANTI
Zoning/Planning

19. Motion to authorize Dave Onorato to appear at the ZHB Hearing No. 17-08 on behalf of Upper Gwynedd Township (Renal Treatment Center)

Mr. Santi said there is a Renal Treatment Center that is proposing to occupy space in the Weis' Market Center. This authorization is to make sure all the criteria are being established.

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

20. Motion to approve Ordinance No. 2017-004: Amending Chapter 195, adding section 195-37.1 regarding merger of adjacent lots.

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

21. Motion to approve Merck & Co., Inc. request for waiver from Chapter 124-5 & 113-1 of the Township Code for After Hours Crane Work – Weekends in May

Mr. Santi noted the dates are May 6, 13, 20 and 27. They are lifting roofing materials to the roof of B78 and B78A. He said it is a three-story building located on the southeast end of the site.

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

22. Motion to approve Merck & Co., Inc request for waiver from Chapter 113-1 of the Township Code for Backup Sunday Crane Work for Building 29

Mr. Santi said this is for Sunday work if necessary. It is to remove a 20,000 gallon water tank from B29.

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

STEVEN C. SANDS
Public Safety

Nothing to Report

THOMAS A. DUFFY
Wastewater Treatment

23. Motion to approve the CIP Point Repair Bid Award to Mobile Dredging & Video Pipe, Inc. for \$66,300.00.

Mr. Duffy said this project is on Green St. between Whites Road and Rosemont Ave. Three (3) bids were received for this project.

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

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

Mr. Duffy said we take the costs from 2016 and we proportionally spread them out by the amount of flow that came from the pre-treaters so we recoup our costs. In 2016, there was over 250,000,000 gallons of pre-treated water treated, and the costs were \$21,659.03

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

25. Motion to approve the release of the Maintenance Bond to Toll Brothers for the Preserve at Worcester

Mr. Duffy said Toll Brothers had an 18 month maintenance bond.

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

OTHER BUSINESS

26. Approval of the April, 2017 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 were approved. Mrs. Edelmayer abstained from approving the Zoning Solicitor's bill. Mr. Santi abstained from the same.

Mr. Kroberger said the next item is Wastewater and asked for questions or comments. Hearing none, upon motion by Mr. Santi seconded by Mrs. Edelmayer, 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 Mr. Sands, seconded by Mrs. Edelmayer, the Board unanimously approved these invoices as well.

Mr. Kroberger advised that there were several invoices that had been prepaid due to timing. Upon motion by Mrs. Edelmayer, seconded by Mr. Santi, the Board unanimously approved the pre-paid invoices.

27. Call for Adjournment.

There being no further business, upon motion by Mr. Santi, seconded by Mr. Sands, the meeting was adjourned to Executive Session at 8:00 pm. for legal and personnel.

Respectfully Submitted,

Leonard T. Perrone
Secretary

Approved May 22, 2017

/djl