

PUBLIC MEETING MINUTES

November 20, 2017

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration

- 1. Call to order.

The November 20, 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.

Table with 2 columns: Name and Title. Includes 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), Russ Benner (Township Engineer), and David Onorato (Township Solicitor).

Mr. Kroberger then suspended the Public Meeting and opened the Public Hearing and turned it over to Mr. Santi.

- 2. Public Hearing – The full transcript by the Court Reporter is attached to these minutes.

The purpose of this hearing is to hear comment pursuant to the consideration of an Application for Conditional Use Approval for the construction of thirty (30) single-family semi-detached homes on a 13.5621-acre parcel located at the intersection of Hancock Road and Prospect Avenue, Upper Gwynedd Township, Montgomery County, Pennsylvania.

Mr. Santi stated the purpose of the hearing. He then turned it over to Dave Onorato, our Township Solicitor for further explanation.

Brief explanation by Dave Onorato, Township Solicitor

Mr. Onorato acknowledged that we have a court reporter present. He added that the property is in the R4 residential zoning district which allows for conditional use, and allows for a development that is clustered and provides a certain amount of open space. The applicant is represented by Mr. Ed Mullin. Mr. Onorato entered the 4 exhibits into evidence.

Exhibits:

- T1: Application for Conditional Use
T2: Proof of Publication of Legal Advertisement - October 27 and November 3, 2017
T3: Montgomery County Planning Commission Review Letter
T4: Verification of Posting Notice

Note: The UGT Planning Commission Review Letter is forthcoming – This will be exhibit T5 and will be part of the record once it is received.

Ed Mullin of Hamburg, Mullin Law Firm, introduced himself as the attorney for the applicant, PRDC Properties, LLC. He is seeking approval under the zoning code ordinance, section 195-14g. He stated that the only issue before the Board tonight is whether this plan complies with section 195-14g of the ordinance. He announced that his witness is Tim Woodrow who will review the various criteria and added that you will find that we do comply with the requirements of your ordinance. The Court Reporter swore in Mr. Timothy Woodrow (Civil Engineer for Woodrow & Associates) of 1108 Bethlehem Pike, Lower Gwynedd.

See attached Court Report for full hearing details.

Mr. Onorato asked if any of the Board members had any questions for Mr. Woodrow. There were none.

3. Request for public comment

Mr. Onorato asked if anyone in the audience had any questions for Mr. Woodrow. There were none.

Mr. Onorato then asked if anyone in the audience wants to make a comment either for or against the application. There were none. Mr. Onorato recommended to Mr. Kroberger that he close the hearing.

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

Mr. Kroberger asked for a motion to close the hearing which was made by Mr. Santi and seconded by Mr. Sands. The motion to close the Public Hearing and open the Public Meeting was unanimously approved.

Mr. Onorato said that he will be preparing a document for Conditional Use for the Board to consider at the Public Meeting in December.

Mr. Kroberger announced in early September, the staff and department heads began working on the 2018 budget. He added that there were two (2) public budget meetings held recently on November 9 and November 16, 2017. Mr. Kroberger stated that the draft budget will be available for review on or before November 27, 2017. He also stated that there are no increases to the tax rate and the sewer rate and includes the \$30,000 Homestead Exemption which will be voted on tonight. He added that at the Workshop Meeting on November 14, 2017, the Board authorized the 2018 Tax Rate and the 2018 Budget to be advertised.

He thanked all the Department Heads and Commissioners for their review and input on their areas of the budget. He also thanked Mr. Perrone, Mr. Lapinski and Mr. Brill.

5. Motion to approve the Minutes of the Workshop Meeting held October 17, 2017

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 October 17, 2017 Workshop Meeting were approved as presented.

6. Motion to approve the Minutes of the Public Meeting held October 23, 2017

Mr. Kroberger noted that the Public 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 October 23, 2017 Public Meeting were approved as presented.

7. 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 Mr. Santi, the Departmental Reports were approved as submitted.

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

There were none.

9. Motion to approve the advertisement of the 2018 Township Meeting & Holiday Schedule

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

10. Motion to approve Resolution No. 17-2017 – authorizing the auditors to conduct an audit.

Mr. Kroberger noted this Resolution is for Maillie LLP, to conduct an audit of our finances for the current year.

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

11. Motion to approve Resolution No. 18-2017 – the 2018 Homestead exemption

Mr. Kroberger said this is a \$30,000 reduction in the assessed value of properties. Mr. Perrone added that it applies to owner occupied residential properties and it must be a primary residence. He also said we have an 80%-85% participation rate of those eligible.

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

12. Motion to approve the Revised MMO (Uniform Pension Plan)

Mr. Kroberger said our MMO changed as a result of a recommendation from our actuary. The MMO for the Police is now \$758,957 and for Non-Uniform is it now \$201,270. This is a total of \$960,227.

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

M. CLARE EDELMAYER, VICE PRESIDENT
Public Works/Parks/Recreation

13. Motion to approve the Concession Stand Lease Agreement with Boston Style Pizza

Mrs. Edelmayer said for the past few years we have leased the Concession Stand to Boston Style Pizza for \$6120.00 to be paid over 3 payments.

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

14. Motion to approve the Residential & Commercial Recycling Data Collection Contract Renewal with Hough Associates

Mrs. Edelmayer stated that we have had Hough for a number of years to collect all the data and poundage for what is being recycled.

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

15. Motion to approve the Final Payment to Top a Court for the Pickleball Courts in the amount of \$14,720.25

Hearing no questions or comments, upon motion by Mrs. Edelmayer, seconded by Mr. Sands, the motion was unanimously approved. Mr. Perrone said we have a 24-month maintenance bond.

16. Motion to approve Payment #3 to Floyd Hersh for Equipment Rental in the amount of \$29,736 for Stormwater Improvement Projects

Mrs. Edelmayer said this is for the realignment and streambank restoration project on Morris Road for the Zacharias Creek.

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

17. Motion to approve Resolution No. 19-2017 (authorization to sign) and the Revised Winter Services Agreement with PennDOT

Mrs. Edelmayer said for many years we contracted with PennDOT and the Township plowed the state roads, so now the Township will not be doing state roads with the exception of Allentown Road. We will receive reimbursement from PennDOT. Mr. Perrone added that he researched this matter and found no other municipalities that were unhappy with PennDOT snowplowing the state road.

Mrs. Edelmayer read the resolution. Resolution No. 19-2017 is attached to the minutes.

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

JAMES A. SANTI **Zoning/Planning**

18. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on Building 38 for the ongoing OMPC Renovation Project. Sundays, January 7, 14 and 21, 2018

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

19. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on Building 45/45A for the Steam Supply Rack Project. Sundays, December 3 and 10, 2017, and January 7, and 14, 2018

Mr. Santi noted this is for possible Sunday work as needed.

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

20. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours milling/paving at Entrance 2 & 3 Roadways – Extension to December 15, 2017

Mr. Santi said the Roadway is off of Broad Street. They need the extension because of inclement weather.

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

21. Motion to adopt a Resolution relative to the Provco Pinegood Wawa Land Development Plan resubmission - 708 Sumneytown Pike / 1610 West Point Pike

Numerous presentations were made by Provco, Merck and the Township.

The following is a brief overview. **See the attached transcript from the Court Reporter for the full report.**

Mr. Santi introduced Jim Garrity as Special Counsel. Mr. Garrity then turned it over to the applicant.

Mr. Marc Kaplin, attorney for the applicant spoke in detail regarding the current land development plan.

Mr. Matt Hammond, Traffic Engineer for TPD, gave review of the recent plan.

At 9:50, Mr. Garrity called a five-minute recess.

Mr. Kroberger reconvened the public meeting at 9:58 pm. Mr. Garrity called on Mr. Andy Heinrich, Traffic Engineer to present on behalf of the Township.

Mr. Andreas Heinrich went over his traffic review of the applicant's plan and the issues with it.

Mr. William Kerr of High Swartz, representing Merck, gave an overview of zoning, traffic and stormwater of the proposed Wawa site.

Mr. Steve Mongiardo, Executive Director of Global Facilities Management for Merck spoke regarding the traffic and stormwater issues this Wawa will cause and how much money that Merck has invested in correcting these issues throughout the Township.

Mr. Richard Reiser, Century Engineers, Sr. Transportation Planner. He distributed a packet titled Provco Site Review and went over the packet in detail. (Packet is attached and is now part of the minutes)

Mr. Gregory Lebo, Professional Engineer for Century, spoke on behalf of the traffic issues.

Mr. Gary Emanuel, Professional Engineer. His area of expertise is civil engineer and water resources. He spoke about stormwater management issues.

Mr. Kerr asked the Board of Commissioners to deny this application.

Mr. Kaplin introduced Joe Baran from Boehler Engineering. He spoke on behalf of stormwater management.

Mr. Kaplin made a closing statement.

Mr. Kerr also made a closing statement.

Public Comment

Bruce Boucher, resident of Upper Gwynedd Township for the past 35 years, said he is opposed to the proposed Wawa and gave several reasons.

Christine McDade, resident of Upper Gwynedd Township since 1985 is concerned with pedestrian safety regarding the proposed Wawa plan.

Vicky Wile, 36-year resident of Upper Gwynedd Township is opposed to the proposed Wawa.

Mark Methlie, 42-year resident of Upper Gwynedd Township is not opposed or in favor of the proposed Wawa.

Mr. Santi noted that we have two (2) documents, an approval and a denial document. He requested a brief recess to discuss the issue at hand.

Mr. Kroberger reconvened the meeting at 11:50 pm.

Mr. Garrity made a closing statement.

Mr. Santi read the Board's decision of denial of the proposed Wawa plan.

Hearing no questions or comments, upon motion by Mr. Santi, seconded by Mr. Duffy, the motion to deny the plan was unanimously approved. Mrs. Edelmayer sustained from the vote as her husband is the Zoning Hearing Board solicitor.

22. Motion to approve the Related Party Agreement for Frank & Mary Ann Smith of 513 Sumneytown Pike

Mr. Onorato said under our ordinance, under certain circumstances, we allow a second dwelling unit within a home if it's occupied by a related party with the understanding that the kitchen facilities will be removed at such a time that the related party vacates the premises.

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

STEVEN C. SANDS

Public Safety

23. Motion to approve the Inaugural Ainsley's Angels 6K & 12K Run on May 12, 2018 at 8:30 am

Mr. Sands said there is a representative from Ainsley's Angels to speak on behalf of the group.

Amanda Piccirilli-Hall of Ainsley's Angels said we are a national non-profit with local presence. To ensure everyone can experience endurance events, Ainsley's Angels mission is to aim to build awareness about the special needs community. Angel runners are paired with angel riders. She is asking for approval of this

inaugural race. This will be the first race of its kind in the state of PA. She thanked the Board of Commissioners for their consideration.

Chief Duffy thanked the group for their presentation and for working with Sgt. Gillen.

Mr. Sands said up to 350 participants are expected and this event has been vetted by Sgt. Gillen and the department.

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

24. Motion to ratify the letter to Senators asking for support of SB 251 (local use of Radar)

Mr. Sands read two (2) lines from the letter. "As you are well aware, Pennsylvania is the only state in the nation that does not permit local police to use radar." The second line, "Pennsylvania has the distinction of being the third highest state in the nation for speed related fatalities with the majority of those fatalities occurring on local roadways." He added that we are ratifying this letter that was already sent out to all the State Senators.

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

THOMAS A. DUFFY

Wastewater Treatment

25. Motion to approve the 2018 DelPAC Aluminum Chloride Basic Bid Award to USALCO, LLC

Mr. Duffy said we received one (1) bid for \$6750.00.

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

26. Motion to approve the 2018 Dense Soda Ash Bid: Award to Brenntag Northeast Inc.

Mr. Duffy noted we received several bids and this is the same supplier we currently use.

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

27. Motion to approve the 2018 Magnetite Rebid (no bids were received)

Mr. Duffy said we had no bidders and we are looking to rebid the contract.

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

OTHER BUSINESS

28. Approval of the November 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. Kroberger said the next item are the Sewer Fund 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 open invoices from all other funds. Hearing no questions or comments, upon motion by Mr. Duffy, seconded by Mr. Sands, the Board unanimously approved the invoices from all other funds.

Mr. Kroberger advised that there were several invoices that had been prepaid due to timing. Hearing no questions or comments, upon motion by Mrs. Edelmayer, seconded by Mr. Sands, the Board unanimously approved the pre-paid invoices.

29. Call for Adjournment.

There being no further business, upon motion by Mr. Sands, seconded by Mr. Duffy, the meeting was adjourned to Executive Session for personnel matters at 12:05 am.

Respectfully Submitted

Leonard T. Perrone
Secretary

/djl

Approved December 18, 2017