

PUBLIC MEETING MINUTES

January 22, 2018

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration

1. Call to order.

The January 22, 2018, Public Meeting of the Board of Commissioners was called to order at 7:30 PM by President of the Board, Kenneth E. Kroberger. The following individuals were in attendance.

Kenneth E. Kroberger	President
James A. Santi	Vice President
Thomas A. Duffy	Commissioner
Denise M. Hull	Commissioner
Liz K. McNaney	Commissioner
Michael J. Lapinski	Acting Township Manager
David Brill	Finance Director
David W. Duffy	Police Chief
Russ Benner	Township Engineer
David Onorato	Township Solicitor

2. Motion to approve the Minutes of the Reorganization Meeting held January 2, 2018

Mr. Kroberger noted that the Reorganization 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 January 2, 2018 Reorganization Meeting were approved as presented.

3. Motion to approve the Minutes of the Workshop Meeting held December 12, 2017

Mr. Kroberger noted that everyone received copies of the Workshop Meeting Minutes with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Duffy, seconded by Mrs. Hull, the Minutes of the December 12, 2017 Workshop Meeting were approved as presented.

4. Motion to approve the Minutes of the Public Meeting held December 18, 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 Mr. Duffy, the Minutes of the December 18, 2017 Public Meeting were approved as presented.

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

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

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

There were none

7. Recognition of Matt Toro for 5 years of service to the Township (in attendance)

Mr. Kroberger said we recognize employees that hit milestones at the Township and this month we have the privilege of recognizing Matt Toro for five (5) year with the Police Department. Chief Duffy said Mr. Toro came to the Upper Gwynedd Police Department with previous experience in Lansdale and Colwyn police departments. Officer Toro is active in the Montgomery County Drug Task Force and has served numerous arrest and search warrants in and outside of Upper Gwynedd. He is also our Special Needs Coordinator and helps maintain the Special Needs Registry and has arranged for station tours for special needs children and adults. Officer Toro was recently certified as a Drug Recognition Expert for DUI cases. He has already put his skills to use in Upper Gwynedd and has been called by area police departments to assist with DUI cases, especially accidents.

Mr. Kroberger thanked him for his accomplishments then invited Matt Toro, a 5-year employee in our Police Department to come up and shake hands with the Commissioners as they offered their congratulations.

8. Motion to approve the appointments / reappointments to the UGCA

Mr. Kroberger said this 501 C3 was set up for the purpose of accepting donations from companies and organizations that are only permitted to donate to a non-profit organization. Under the by-laws, we need to appoint/reappoint the members to serve on this Committee. The Committee is to consist of two (2) members of the Board, one (1) member of Parks and Recreation and two (2) at large. Two (2) of these members will serve for a three (3) year period of time and three (3) serve for a two (2) year period of time. Members to be appointed are Ken Kroberger, Denise Hull, Mike Zumpino, Gil Silverman and Kathy Johnson. Mr. Onorato added that the organization meeting of the UGCA will be scheduled

Those who will serve a three (3) year term are Mrs. Hull, Mr. Silverman with terms ending on December 31, 2020, and those who will serve a two (2) year term are Mr. Kroberger, Ms. Johnson and Mr. Zumpino with terms ending on December 31, 2019.

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

9. Motion to approve the contract with Scantek for document scanning in the amount of \$26,327.50

Mr. Kroberger said we have a lot of documents in storage that we need to go through and either purge or scan electronically. In the past we have also adopted a document retention policy, where we can destroy certain materials that are outdated and past the required retention time. This is to help all the departments to keep copy of all the information we have accumulated through the years. Mr. Brill said six (6) companies made presentations on document management. Mr. Brill recommends to the Board that we approve the proposal for Scantek. Mr. Kroberger added that we budgeted \$25,000 for this project. There is a shortfall of \$1,327.50.

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

THOMAS A. DUFFY
Public Works/Parks/Recreation

10. Motion to approve the 2018-2020 Carnival Contract with Skelly's Amusement

Mr. Duffy said this is the same contract as last year with no changes. The dates will be Thursday, September 6, 2018 through Sunday, September 9, 2018.

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

11. Motion to approve the 2018 Carnival Fireworks Contract

Mrs. Darren Gross, 115 Hancock Place. She said she sent a memo to the Board and said she would like to keep the fireworks to one night. She presented several items that she uses to calm her golden retriever down during fireworks and thunderstorms. She explained the various ways she has to calm her dogs down. She said a lot of pets have problems with loud noises and feels that one night would be better for her. Mrs. Gross said she doesn't understand why we need two (2) nights of fireworks, but believes the reason is; people stay later, so you're telling me you're going to put raising money over the quality of life for the residents. Mr. Kroberger replied, that is totally incorrect. He went on to say he understands her issues, but to indicate the reason we have fireworks is to keep the carnival open, so we can make more money, as opposed to considering your situation with your dog is totally incorrect. Mr. Kroberger said the place clears out after the fireworks are over. Mr. Duffy said we considered only one night, but people look forward to the fireworks and they stay for them and the field is packed each night of the fireworks. Mrs. Gross added that a lot of people are concerned about this and would like the Board to consider only one (1) night. Mr. Kroberger said it was reviewed by the Parks and Recreation Committee for their recommendation. He added that this was reviewed and discussed by this Board also and the general consensus was to keep the two (2) nights of fireworks. Mrs. McNaney said there are pros and cons to two (2) nights of fireworks and spoke with Mr. Kaker regarding the reasons and now understands why there are two nights of fireworks. She added that weather and other reasons are contributing factors. Mrs. Gross said her big problem is having them two (2) nights in a row. Mrs. McNaney asked Mrs. Gross to offer some suggestions for alternative nights and added that we are listening. Mrs. Hull said we will keep polling the residents.

Hearing no questions or comments, upon motion by Mr. Duffy, seconded by Mr. Santi, the motion to accept the contract was approved for 2 nights of fireworks with a vote of 4 to 1. Mrs. McNaney cast the nay vote.

12. Motion to approve Payment #5 to Floyd Hersh for equipment rental for various stormwater projects in the amount of \$8,956.75

Mr. Duffy said the contract was for \$228,760 and we have paid to date \$115,030. This payment is for \$8,956.75.

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

13. Motion to approve the Final Payment to Joseph Sucher & Sons, Inc. for the 2017 Mill & Overlay Project in the amount of \$13,649.99

Mr. Duffy said the total contract was for \$461,232.98. We received a credit for some curb work of \$1350. The final payment is for \$13,649.99

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

DENISE M. HULL
Zoning/Planning

14. Motion to approve Newbury Phase II Conditional Use

Mr. Onorato said there was a hearing in November with respect to the applicant's request for conditional use. The R4 zoning district allows cluster zoning with twin homes by conditional use. He prepared a written decision and recommends approval.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mrs. McNaney, the motion was unanimously approved.

15. Motion to approve Resolution No. 03-2018 - Newbury Phase II Preliminary Land Development Plan

Mrs. Hull said we have a presentation by the applicant, PRDC.

Bernadette Kearney, Hamburg Rubin, with Tony Maris and Tim Woodrow, on behalf of the applicant. Ms. Kearney said there were 3 things that were brought up at the Workshop Meeting. The Conditional Use, the Sub-division and a preliminary plan review. Ms. Kearney said we will file a petition to rezone that triangle piece of land that Mr. Rieker spoke about at the Workshop meeting. She noted that the last letter from T&M Associates, dated December 22, 2017 and Mr. Woodrow indicated in his response to the letter, that we can meet the requirements and have provided an updated waiver letter to Mr. Benner dated January 19, 2018.

Tim Woodrow made a presentation regarding the preliminary plan review. He said, we are proposing a subdivision of the Sanctuary United Methodist Church property. He added the Church will have approximately five and one-half acres (5 ½) and the subdivision will be on eight (8) acres of land. Mr. Woodrow explained the plan has changed considerably during the land development process. There is open space between Newbury I and Newbury II and some zoning relief was secured. There is a new proposed road which moved slightly, that allowed for a better stormwater basin which is 82' from the roadway instead of the required 100' and some sheds were relocated to the north side of the property. He added the applicant is providing some improved lighting for the baseball fields. Mr. Woodrow explained the reason for the 15 waivers.

Waivers that need to be approved

- A. Section 162-12.B(1). Applicant requires a waiver from this section that requires a minimum pipe size of eighteen inches (18").

Mr. Woodrow said there are a couple of best management practice basins (not traditional stormwater basins) and we are asking for a waiver of the pipe size.

- B. Section 162-19.N(2). Applicant requires a waiver from this section that requires the top or toe of any slope associated with a BMP shall be located a minimum of 5 feet from a property line.

He added that they are working on an easement with PECO as there are some berms that are closer to the property line than the required five (5') feet.

- C. Section 162-19.N(4). Applicant is requesting a waiver with respect to Basin D only from the section which requires fencing on any detention or retention basin where there is a permanent water surface or where conditions warrant.

Mr. Woodrow said Basin D is a shallow, low lying basin and the main stormwater feature will have a fence, but we are asking for a waiver on the rain garden.

D. Section 163-19.N(7). Applicant is requesting a waiver from this section that requires emergency spillways to be constructed of concrete pavers, gabions or other similar material approved by the Township engineer for Basin D only.

E. Section 163-19.N(9). Applicant is requesting a waiver from this section which requires anti-seep collars to be installed around the pipe barrel within the normal saturation zone of detention/retention basin berms.

Mr. Woodrow said we are asking for a waiver on the rain gardens and smaller stormwater features from the anti-seep collars.

F. Section 168-19.C(3)(a). Applicant is requesting a waiver for both road A and the church access drive from this section which requires access roads for multi-family residential and all non-residential subdivisions to be not less than 30 feet in width at the street line.

Mr. Woodrow said they are seeking a twenty-six feet (26') wide road instead of the required thirty feet (30').

G. Section 168-20.D(1)(c)[2]. Applicant is requesting a waiver from this section that provides that cul-de-sac streets shall not be more than 500 feet long.

Mr. Woodrow said the cul-de-sac street is longer than five hundred feet (500'), but we will provide emergency access.

H. Section 168-20.D(2)(a). Applicant is requesting a variance from this section with respect to Road A that requires a minimum street requirements for a residential street of 50-foot right-of-way, a 30-foot pavement width, 4-foot wide sidewalk and curb.

I. Section 168-20.D(2)(c). Applicant is requesting a waiver for Hancock Road and Prospect Avenue in this section that requires that a subdivision which fronts on an existing street to extend existing paving to the required curb line.

Mr. Woodrow reported they will provide storm sewers and a sidewalk.

J. Section 168-21.B. Applicant is requesting a waiver from this section that prohibits angle or perpendicular parking along the curbs of local, public or private access roads.

Mr. Woodrow stated this is to be used for guest parking on the streets. He added that it is a private street.

K. Section 168-21.H. Applicant is requesting a waiver from this section that requires parking lots be designed with 25-foot aisle widths for 90-degree parking.

Mr. Woodrow said Upper Gwynedd Township requires pour concrete curbs and we are requesting Belgium block curbs, but it is a private street.

- L. Section 168-21.I(a). Applicant is requesting a waiver from this section that requires poured in place concrete curb around landscaped areas or islands defining islands and parking stalls and around the perimeter of parking lots adjacent to buildings.

Mr. Woodrow noted they are seeking a waiver from the required curbed islands.

- M. Section 168-21.L. Applicant is requesting a waiver from this section which requires landscaping in parking lots.

Mr. Woodrow said the Church will be back in on their own for land development and landscaping.

- N. Section 168-21.O. Applicant is requesting a waiver from this section which requires driveways to be no closer than 6 feet to a property line.

Mr. Woodrow said this is a twin home development and the driveways are closer than six feet (6') to the central property line.

He then closed his presentation regarding the waivers and asked the Board to consider approval of the plan.

- O. Section 168-22.B. Applicant is requesting a waiver from this section which requires curbs be constructed of concrete. In lieu thereof, Applicant will provide Belgium block curbing and the Applicant agrees that Road A will be a private street.

There were several comments from the Board regarding the waivers.

Mr. Santi asked if there will be a step from a grass area to a curb area on the frontage of Newbury I, to which Mr. Woodrow replied, yes. Mr. Duffy expressed concerned over perpendicular parking and twenty-six feet (26') cart way. Mr. Duffy asked if there were any issues with that, to which Mr. Woodrow replied, I don't believe so. Mr. Benner said typically when you're backing out of a space, twenty-four feet (24') is adequate. Mr. Woodrow confirmed the spaces are away from the homes and driveways.

Mr. Benner said there were originally 18 waivers, now there are 15 waivers, but Waiver C is for the fencing on Basin D. Mr. Benner said you refer to this as a rain garden, but this basin still stores 2.9' of water in it and we asked for a fencing consideration.

Mr. Woodrow said if it is important to the Township, we will put a fence around Basin D.

Mr. Benner also added that Waiver D was missed. Our comment was if you will agree to reinforced matting, then there was no need for a waiver. Mr. Woodrow was in agreement.

Public comments:

Glen Johnson, 325 Newbury Ct. asked why can't we get the Newbury I punch list completed that was developed by the Township? He added only half of the items have been completed on the list. Ms. Kearney replied that everything is done on the punch list except for landscaping which can't be completed in the winter. Anthony Maris from PRDC said there is a red bud tree to be replaced along with some topsoil and seeding that will be completed in the spring. Mr. Maris noted the other open issue is the gate. He added there is a debate between the HOA and the Township about the location of the gate. Safety is a concern for the gate with respects to safe access for mowing. Mr. Lapinski said in July, the Township decided that the gate will go in according to the original plan. Mr. Kroberger said there will be ongoing discussions regarding these punch list items. Mr. Maris said the estimated time frame for punch list completion is March/April 2018. Mr. Kroberger expressed concern over why this wasn't done after the agreement was signed in July 2017. Mr. Santi said there is \$79,000 in a maintenance bond and said he will do his best to make sure the punch list is completed before this new development gets started. Mr. Lapinski clarified that PRDC will put in a gate. Mr. Maris said he will get the plan corrected and will meet with Township staff prior to installation of the gate.

Darren Gross – 115 Hancock Place. She expressed concern regarding private driveways and asked what happens when they give the road to the Township? Mr. Duffy said they can't unless we accept dedication. Mr. Onorato said we will put in the documents that this is a private road and can't be dedicated.

Mr. Kroberger said there are still questions and concerns regarding the waivers. He recommended that this be tabled for further discussion. The rest of the Board agreed to table this.

- 16. Motion to approve Resolution No 01-2018 – acceptance of deed of dedication for Newbury Court Sanitary Sewer Lines.

Mrs. Hull said this deals with Newbury I.

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

- 17. Motion to approve Resolution No 02-2018 – acceptance of deed of dedication for Newbury Court, Prospect Avenue widening.

Mrs. Hull said this also deals with Newbury I.

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

- 18. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for an extension of afterhours crane work on Building 45/45A for the Steam Supply Rack Project. Sundays, January 28, February 4 and 11, 2018

Mrs. Hull read the above motion and said Merck needs approval for any work outside of the normal business hours.

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

JAMES A. SANTI, VICE PRESIDENT
Public Safety

No Report

LIZ K. MCNANEY
Wastewater Treatment

- 19. Motion to approve Ordinance No. 2018-001 – changing the local pollutant limit for Mercury Advertised on January 4, 2018

Mrs. McNaney said this is a code change. Mr. Onorato said our permits limits changed for our Wastewater Treatment Plant. This is a chemical change in our pre-treatment plan.

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

20. Motion to approve the advertisement of the bid for Meadowbrook Rd. Sanitary Sewer Mains and Lateral Connections Improvement Project

Mr. Kroberger said this is part of the I/I project.

Hearing no questions or comments, upon motion by Mrs. McNaney, seconded by Mrs. Hull, the motion was unanimously approved.

21. Motion to approve the advertisement of the bid for 70 Manhole Chimney Seals

Mr. Kroberger said this is part of the ongoing I/I project which has helped tremendously.

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

22. Motion to approve the purchase of a Maintenance Vehicle for the WWTP in the amount of \$43,175

Mrs. McNaney said this item was in the current budget for purchase.

Hearing no questions or comments, upon motion by Mrs. McNaney, seconded by Mrs. Hull, the motion was unanimously approved.

OTHER BUSINESS

23. Approval of the January 2018 bills.

Mr. Kroberger noted that the Board had received a copy of the General fund bills. Hearing no questions, upon motion by Mr. Santi, seconded by Mr. Duffy, the General Fund bills were approved.

Mr. Kroberger said the next item are the Sewer Bills and asked for questions or comments. Hearing none, upon motion by Mr. Duffy, seconded by Mrs. Hull, 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 which include the Upper Gwynedd Collection System, Tax Fund and VEBA. Hearing no questions or comments, upon motion by Mr. Santi, seconded by Mrs. McNaney, the Board unanimously approved these invoices as well.

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

24. Call for Adjournment.

There being no further business, upon motion by Mr. Santi, seconded by Mr. Duffy, the meeting was adjourned at 8:30 pm to Executive Session for legal matters.

Respectfully Submitted

Michael J. Lapinski
Secretary

/djl

Approved February 26, 2018