

**PUBLIC MEETING MINUTES**

May 29, 2018

**KENNETH E. KROBERGER, PRESIDENT**  
**Finance/Personnel/Administration**

1. Call to order.

The May 29, 2018, Public Meeting of the Board of Commissioners was called to order at 7:32 PM by Vice President of the Board, James A. Santi. The following individuals were in attendance.

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
Monica Wall	Township Engineer
David Onorato	Township Solicitor

2. Pledge of Allegiance

Following the pledge of allegiance, Mr. Santi announced there would be four hearings and due to timing issues, he moved items 15 – 18 to the top of the agenda.

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3. Public Hearing

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2018-004, an Ordinance amending Chapter 195 of the Upper Gwynedd Township Code in order to clarify and update certain uses permitted in the "C" Commercial District, the location of accessory structures, uses permitted by conditional use, and certain parking requirements, and codify certain conditional use standards.

Brief explanation by James Garrity, Special Counsel

Mr. Santi read the above purpose and introduced Special Counsel, Jim Garrity. Mr. Garrity presented a red-line version of the text amendment that outlined all the changes made. He said the Ordinance clarifies accessory structures, removes certain structures under accessory use and places them under conditional use and changes the criteria for parking facilities for restaurants. He noted one of the biggest changes is allowing multi-uses on a single lot by conditional use. There is also a section on the standards for Conditional Use.

Mr. Santi introduced the four (4) exhibits.

Exhibits:

- T1: Ordinance 2018-004
- T2: Proof of Publication of Legal Advertisement – May 2 and May 9, 2018
- T3: Montgomery County Planning Commission Review Letter
- T4: UGT Planning Commission Review Letter

4. Request for public comment

There were none. Mr. Santi said this will save an applicant time by not being required to appear before the Zoning Hearing Board for certain things such as a shed.

5. Motion to close the Public Hearing and open the next Public Hearing

Mr. Santi asked for a motion to close the hearing which was made by Mr. Duffy and seconded by Mrs. Hull. The motion to close the Public Hearing and open the next Public Hearing was unanimously approved.

Mr. Santi called the next Public Hearing to order.

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6. Public Hearing

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2018-003, an Ordinance amending the zoning map attached to and incorporated in Chapter 195 of the Code of the Township of Upper Gwynedd changing the zoning classification of a certain parcel of land from R-2 Residential and LI-Limited Industrial to R-2 Residential

Brief explanation by Dave Onorato, Township Solicitor

Mr. Santi read the above purpose and introduced Dave Onorato. Mr. Onorato said this Ordinance is in the PECO property along their power lines in the West Point area that presently has two (2) zones, and this will make the parcel consistent with the other PECO properties in the same area as all R-2. Mr. Lapinski said PECO commented that the parcel is still available for utility use.

Mr. Santi introduced the Exhibits.

Exhibits:

- T1: Ordinance 2018-003
- T2: Proof of Publication of Legal Advertisement – May 2 and May 9, 2018
- T3: Letter to Suzanne Ryan of PECO
- T4: Montgomery County Planning Commission Review Letter
- T5: UGT Planning Commission Review Letter
- T6: Verification of Posting Notice

## 7. Request for public comment

There were none.

## 8. Motion to close the Public Hearing and open the next Public Hearing

Mr. Santi asked for a motion to close the hearing which was made by Mr. Duffy and seconded by Mrs. McNaney. The motion to close the Public Hearing and open the next Public Hearing was unanimously approved.

Mr. Santi called the next Public Hearing to order.

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## 9. Public Hearing

The purpose of this hearing is to hear comment pursuant to the consideration of an Application for Conditional Use Approval for the parcel located on the southeast side of Cottage Avenue, Upper Gwynedd Township, Montgomery County, Pennsylvania. This application has been made by Cottage Avenue Realty, LP to remove a condition from the Conditional Use Approval which required a sound wall to be constructed along the eastern frontage of the property.

Brief explanation by Dave Onorato, Township Solicitor

Mr. Santi read the above purpose and introduced Mr. Onorato who said the applicant is represented by Attorney Freimuth. He said the applicant was bound by a covenant in which a sixteen-foot (16') sound wall was to be constructed unless the property next door was no longer being used as a concrete crushing operation. The crushing operation ceased to exist, so the requirement for the sound wall then went away. Mr. Onorato said the prior Conditional Use approval was amended to include removal of the sound wall and some additional items.

**The full transcript by the Court Reporter is attached to these minutes and can be viewed at the Township Administration Offices.**

Presenters:

Kim Freimuth of Fox, Rothschild, on behalf of the applicant (Cottage Avenue Realty LP), presented a packet which included several exhibits. **(see attached)**

A1 – Deed for property

A2 – Conditional Use decision dated August 22, 2016

A3 – Letter from John C. Halderman, Assistant General Counsel at PECO Energy Company to Gia Raffaelli, Esquire of Metropolitan Development Group dated January 11, 2018

A4 – Plan sheets 6, 8 and 22 for Gwynedd Walk, prepared by Van Cleef Engineering dated June 20, 2016, last revised May 16, 2018.

Ms. Freimuth went over each exhibit in detail.

Ms. Freimuth introduced John F. Maczonis, who is representing the applicant. She will offer proof of the testimony that he would give. He was later sworn in by Mark Manjardi, court reporter who confirm the accuracy of Ms. Freimuth's testimony.

Mr. Santi introduced the exhibits.

Exhibits:

T1: Application for Conditional Use

T2: Proof of Publication of Legal Advertisement – May 2 and May 9, 2018

- T3: Revised Grading and Fence Plans
- T4: UGT Planning Commission Review Letter
- T5: T&M Associates Plan Review Letter
- T6: Applicant Letter of Extension to June 30, 2018
- T7: Verification of Posting Notice

10. Request for public comment

Glen Johnson, 325 Newbury Court asked how wide Finley Court is. Ms. Freimuth replied it is a 46' right of way. Mr. Johnson is concerned about the width of the road as Newbury I is narrow, and he said no roads should be that narrow as it is a safety issue. Mr. Lapinski commented that the street is one-way. Mr. Johnson said he is sharing his experience and the road in Newbury I is too narrow and recommends that this road not be built as narrow as Newbury I. No one was certain of the width of the proposed road, but Mr. Santi added that it met the requirements.

There were no further questions.

Mr. Onorato said no decision will be made tonight and he will have the decision for the Board to adopt next month and a Resolution to amend the final plan approval ready for the June Public Meeting.

Ms. Freimuth asked for a decision tonight, so the plan can be recorded. Mr. Onorato said the plan was just recently received by our engineer and he needs further time to review the plan. Mr. Benner said we didn't have any comments on the grading plan in lieu of the wall. Mr. Onorato said he typically prepares a Resolution for the Board of Commissioners to approve. Mr. Onorato said he will prepare the Resolution to be voted on at the June Workshop Meeting.

11. Motion to close the Public Hearing and open the next Public Hearing

Mr. Santi asked for a motion to close the hearing which was made by Mrs. Hull and seconded by Mr. Duffy. The motion to close the Public Hearing and open the next Public Hearing was unanimously approved.

Mr. Santi called the next Public Hearing to order.

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12. Public Hearing

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2018-005, an Ordinance amending the zoning map attached to and incorporated in the Chapter 195 of the Upper Gwynedd Township Code, changing the zoning classification of a tract of land containing 6.2285 acres from R-4 Residential and R-2 Residential to R-2 Residential, and changing the zoning classification of a tract of land containing 8.1002 acres from R-4 Residential and R-2 Residential to R-4 Residential

Brief explanation by Dave Onorato, Township Solicitor

Mr. Santi explained the purpose of the hearing and introduced Mr. Onorato. Mr. Onorato said this is dealing with Newbury II. The applicant came in for a rezone which was rezoned per their design and it went from R2 to R4. Sanctuary Church will be rezoned to R2 and Newbury II is being rezoned to R4 so it is consistent.

Mr. Santi introduced the exhibits.

Exhibits:

- T1: Ordinance 2018-005
- T2: Proof of Publication of Legal Advertisement – May 2 and May 9, 2018
- T3: Montgomery County Planning Commission Review Letter
- T4: UGT Planning Commission Review Letter
- T5: Verification of Posting Notice

13. Request for public comment

Mr. Johnson (Newbury Court) asked how much of the land is affected. Mr. Onorato said less than an acre. There were no further comments.

14. Motion to close the Public Hearing and open the Public Meeting

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

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15. Motion to approve the Minutes of the Workshop Meeting held April 17, 2018

This became the first item on the agenda due to the four hearings.

Mr. Santi 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 April 17, 2018 Workshop Meeting were approved as presented.

16. Motion to approve the Minutes of the Public Meeting held April 23, 2018

This became the second item on the agenda due to the four hearings.

Mr. Santi also noted that the Public Meeting Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mrs. McNaney, seconded by Mr. Duffy, the Minutes of the April 23, 2018 Public Meeting were approved as presented.

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

This became the third item on the agenda due to the four hearings.

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

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

This became the fourth item on the agenda due to the four hearings.

Kathy Buehrle of 1903 West Point Pike. She wants to know what's going on in her back yard. She commented that no one has told her and other residents anything. Ms. Buehrle said she has stakes in her back yard. Her home is across from Pizza Time Saloon. Mr. Lapinski said there is a water line being installed for the Cottage Avenue development, but it is in the Township's right of way but not on her property. Mr. Lapinski said the stakes may be for survey work and he offered to meet with her at her property and go over the plan. He said letters were sent out, but these residents said they didn't receive the information. Mr. Lapinski asked the residents to leave their contact information and he will discuss their concerns and will meet with them as soon as possible.

Glen Johnson of 325 Newbury Court said he asked the Board of Commissioners to see what they can do to resolve the baseball lighting issue. Mr. Lapinski updated Mr. Johnson and said he spoke with David Perlman, the developer of Newbury I and he has agreed to meet with Brendan Stanton of BSI to discuss implementing the changes to the lighting on Thursday. Mr. Johnson said the builder has a history of not following through to which Mr. Santi replied that he will do this.

Mr. Santi then opened the first Public Hearing.

19. Recognition of Mike Lapinski for 5 years of service to the Township (will attend)

Mr. Santi joked that surprisingly Mr. Lapinski made it through five (5) years of service. He said Mr. Lapinski has done a great job taking the place of the retired Township Manager. Mr. Santi congratulated him and invited him to shake hands with the Board as they offered their congratulations.

## **JAMES A. SANTI, VICE PRESIDENT**

### **Public Safety**

20. Motion to authorize the advertisement of Ordinance 2018-006, the Volunteer Fire Company & VMSC Tax Relief Plan

Mr. Santi said this is the Volunteer Fire Company and the VMSC Tax Relief Plan to help volunteers who are active and live in the Township. This helps them in two ways; by providing Earned Income Tax (EIT) credit of up to \$1000 and a Real Estate tax credit of up to 20%. There is a chart of criteria they have to meet in order to qualify for the tax relief.

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

21. Motion to authorize the advertisement of Ordinance 2018-009, raising the speed limit on Hancock Ave. to 35 MPH (between E. Prospect and Dekalb Pk.)

Mr. Santi explained this is a small stretch of road that is heavily used. Our Police have done speed and accident studies that show a higher speed limit can be supported.

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

**THOMAS A. DUFFY**

**Public Works/Parks/Recreation**

22. Motion to approve Resolution 16-2018, the micro surfacing program agreement with Whitpain Township

Mr. Duffy said this is to piggyback with Whitpain Township to be cost effective. He read the complete Resolution which included the proposed roads to be micro surfaced. The cost of the contract is \$2.23 per square yard.

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

23. Motion to approve Resolution 17-2018, amending the Township's policy for conducting background checks.

Mr. Duffy explained that this establishes the policy for conducting background checks. He read the complete resolution. UGT police checks, Pennsylvania criminal history searches, and Department of Welfare child abuse clearance shall be obtained annually, and FBI fingerprint clearance be obtained every three (3) years.

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

**DENISE M. HULL**

**Zoning/Planning/Code Enforcement**

24. Motion to authorize the advertisement of revised Ordinance No. 2018-002 – LED sign amendments

Mrs. Hull said this is a new ordinance that permits LED signs in residential areas under certain conditions.

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

25. Motion to approve Ordinance No 2018-003 – R2 rezoning of PECO Corridor in West Point from LI to R2

Mrs. Hull noted that this is the result of the Hearing heard earlier.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mrs. McNaney, Ordinance 2018-003 was unanimously approved

26. Motion to approve Ordinance No. 2018-004 the C-Commercial Zone Text Amendment

Mrs. Hull said this is the also from the Hearing.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mr. Duffy, Ordinance 2018-004 was unanimously approved

27. Motion to approve Ordinance No. 2018-005, the Newbury II Zoning Map Amendment

Mrs. Hull again said this is from the previously heard Hearing.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mrs. McNaney, Ordinance 2018-005 was unanimously approved

28. Motion to approve the contract with the Montgomery County Planning Commission for the Comprehensive Plan Update

Mrs. Hull said a Comprehensive Plan is a long-range plan for guiding the growth and development of a place. It will also create a vision for the future. The first one was completed in 1971 and the last one was done in 2004. This process is two to three (2-3) years to completion. She said the MCPC has a good plan that is cost effective.

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

29. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on Building B38 and B38A (All Sundays is June)

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

30. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on Building 56. (All Sundays in July and August)

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

31. Motion to approve the Pillar Agreement between Joan Cunningham and UGT (857 Twinlyn Drive)

Mrs. Hull explained the applicant is training a comfort dog and has two (2) easements on her property. She wants to build a fence but UGT does not permit it encroaching on the easements. This agreement contains certain conditions regarding the fence (location, removal, type of fence, etc.). The applicant has agreed to remove the fence at her cost.

Mr. Duffy asked about the timing of the fence removal in case of an emergency. Mr. Onorato said in case of emergency the fence will be removed immediately by the Township at the homeowner's expense.

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

## **LIZ K. MCNANEY**

### **Wastewater Treatment**

32. Motion to authorize the advertisement for the Wastewater Treatment Plant Expansion Project

Mr. Lapinski said this project has been studied for the possibility of diverting our flow from the Towamencin Municipal Authority (TMA) to the Upper Gwynedd Wastewater Treatment Plant (WWTP). In doing so, we will

need to make hydraulic improvements and expand our plant on Township Line Road. This is an authorization to advertise the bid for the project.

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

33. Motion to authorize the advertisement of Ordinance 2018-007 – declaration of taking for the purpose of acquiring an easement for the installation of sanitary sewer lines

Mrs. McNaney explained this is in the West Point area off of Moyer Boulevard. This project is also part of the proposed diversion project.

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

34. Motion to authorize the advertisement of Ordinance 2018-008 – declaration of taking for the purpose of acquiring a temporary construction easement for the installation of sanitary sewer lines

Mrs. McNaney said this is the same area as above.

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

35. Motion to authorize the advertisement for the position of Maintenance/Electrical Mechanic at the WWTP

Mrs. McNaney said this position is responsible for all plant and pumping station equipment.

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

36. Motion to authorize the advertisement of the PLC Replacement and Upgrades Project at the WWTP

Mrs. McNaney reported that we are asking that the full cost of this project be placed on hold pending possible grant money that may be awarded in July. This will push the project into the 2019 budget due to timing.

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

## **OTHER BUSINESS**

37. Approval of the May 2018 bills.

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

Mr. Santi said the next item is the WWTP Bills and asked for questions or comments. Hearing none, upon motion by Mrs. Hull, seconded by Mrs. McNaney, the Board unanimously approved the Sewer Fund bills.

Mr. Santi advised that the Board was also being asked to approve invoices from all other funds which include the Collection System, Uniformed Police Pension Fund and VEBA. Hearing no questions or comments, upon motion by Mr. Duffy, seconded by Mrs. McNaney, the Board unanimously approved these invoices as well.

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

38. Call for Adjournment.

Mr. Santi announced the Board will be going into Executive Session for personnel reasons.

There being no further business, upon motion by Mr. Duffy, seconded by Mrs. Hull the meeting was adjourned at 8:33 pm.

Respectfully Submitted

Michael J. Lapinski  
Acting Secretary

**Approved June 25, 2018**

/djl