

PUBLIC MEETING MINUTES

September 24, 2018

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration

1. Call to order.

The September 24, 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
Alex J. Kaker	Assistant Township Manager
David W. Duffy	Police Chief
Russ Benner	Township Engineer
David Onorato	Township Solicitor

2. Pledge of Allegiance

3. Motion to approve the Minutes of the Workshop Meeting held August 21, 2018

Mr. Kroberger noted that everyone received copies of the Workshop Meeting Minutes with the Agenda packet. Hearing no questions or comments, upon motion of Mrs. Hull, seconded by Mr. Duffy, the Minutes of the August 21, 2018 Workshop Meeting were approved as presented.

4. Motion to approve the Minutes of the Public Meeting held August 27, 2018

Mr. Kroberger also 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. McNaney, the Minutes of the August 27, 2018 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 Yin Young for 5 years of service to the Township (Will attend)

Mr. Kroberger said it is always a pleasure to recognize employees each month that have reached certain milestones with employment in the Township. Chief Duffy stated, prior to being hired in Upper Gwynedd, Officer Young served seven years as an officer in Philadelphia. Since he joined our department, he has been working with Officer Lynch on our annual National Night Out. Also, he is a member of the Montgomery County Major Incident Response Team. Officer Young's primary duties are in the patrol division and he continues to do an excellent job for our residents. Mr. Kroberger invited him to shake hands with the Commissioners as they offered their congratulations.

8 Recognition of Colleen Tronoski for 15 years of service to the Township (Not attending)

Mr. Kroberger said Colleen was unable to attend but is doing a great job in the Code Enforcement/Planning area of the Township and thanked her for her service.

9. Recognition of Dennis Gerhart for 35 years of service to the Township (Not attending)

Mr. Kroberger said Denny was unable to attend but is doing an excellent job in the Public Works Department for the Township and thanked him for his service.

10. 2019 MMO Presentation

Mr. Kroberger said the Minimal Municipal Obligation is something we have to make public and we will discuss it during the budget process. Mr. Brill said this is the amount of funding we have to discuss and recognize during the budget process for 2019 to fund the pension obligations the Township has for its employees. For 2019, the police obligation is \$697,043 and the non-uniform obligation is \$197,909 for a total of \$894,952. He added, we expect to receive state aid to help fund this in the amount of \$365,000 and we would be responsible for approximately \$529,000.

JAMES A. SANTI, VICE PRESIDENT

Public Safety

11. Motion to approve Resolution No. 23-2018 designating October 7 – 13, 2018 as Fire Prevention Week

Mr. Santi explained that we pass this resolution each year to recognize and thank our Fire Department Volunteers for their service and to bring awareness to fire prevention.

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

11a. Mr. Santi announced that the Reserve at Gwynedd held a car show and donated the funds to the Police Department DARE program and we received \$3,600.

Upper Gwynedd Township will send thank you letter.

THOMAS A. DUFFY
Public Works/Parks/Recreation

12. Statement by Mr. Duffy, carnival recognitions

Mr. Duffy said we raised \$40,000 during the carnival despite having only two (2) days of the event due to weather. He thanked our sponsors, Township staff and volunteers for their help and contributions to the 2018 Carnival.

13. Motion to authorize the preparation and advertisement of the 2019 Roadway bid with labor

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

14. Motion to approve the County Snow and Ice Contract

Mr. Kaker said this is the contract for the County to pay us for maintaining County roads during a snow event.

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

15. Motion to approve payment #1 (Final) to BSI for Pickleball Lighting Project in the amount of \$26,800

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

16. Motion to approve payment #2 to Harris Blacktopping for the 2018 Mill/Overlay Project in the amount of \$366,818.89

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

DENISE M. HULL
Zoning/Planning/Code Enforcement

17. Motion to approve Resolution 25-2018, the Final Plan for Gwynedd Ridge (Martin Tract)

Mrs. Hull said this subdivision will be developed by Pulte at Allentown Rd. and Green Street. It is for 27 single family homes.

Marc Jonas, representing Pulte, said the Resolution is acceptable to Pulte.

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

18. Motion to approve Resolution 22-2018, 209 Morris Road, 2-lot subdivision

Kathy Ellzey, 205 Old Morris Rd. has a couple of issues regarding this development and believes it is in violation of the Township SALDO and possibly the Zoning Code. She said four (4) surveys were presented by the applicant and all were slightly modified but show an encroachment into Worcester Township. Mrs. Ellzey showed the 2nd and 3rd surveys to Mr. Benner and the Board showing the encroachment into Worcester Township. She submitted a Right to Know to Worcester Township asking them if they had any correspondence regarding this matter. She received an email from Worcester Township that they forwarded from Mr. Lapinski saying the Township (UGT) has directed the developer to eliminate the encroachment into Worcester and will not approve the plan until that requirement is satisfied. Mr. Benner said there is a very small piece of ground that encroaches into Worcester. Mrs. Ellzey asked if we are considering this an extension of Old Morris Road or part of the access to the flag lot? Mr. Benner said we view this as a connection to a Township road. Mrs. Ellzey asked if it is part of the access strip or is it an extension of Old Morris Road? Mr. Benner replied, it is a driveway connection into an existing road. Mr. Kroberger said the road presently extends passed the paved section and is still a public road. A discussion ensued as what is considered an access strip.

Mrs. Ellzey read a portion of the Township's code and said the access strip should be not less than 25'. She said where Mr. Caracausa is planning to connect into Old Morris Road, the width is sixteen feet (16') and eight (8') of that is in Worcester Township. Mr. Benner explained with a diagram what our zoning ordinance says with regards to the Right of Way and what constitutes the twenty-five feet (25') requirement. Mr. Benner said, in our interpretation, this right of way meets the definition of a public street because there is a water line, there is a street, and this right of way is there for the purpose of containing that street. He showed on the diagram, what portion represents the required twenty-five feet (25'). A discussion ensued regarding the access/right of way.

Mrs. Ellzey read section 168-8.2 of the Township code that deals with a minor subdivision. She said what Mr. Benner explained is an easement of access. Mr. Benner disagreed with her and explained that there is a public right of way to make the connection for the new subdivision. He added, no easement is necessary to make the connection because it is within the public right of way. Mr. Benner said the road is a public right of way for the public street. He added, it will be maintained by the owner of lot number two (2).

Mr. James Ellzey disputes that the part of the public right of way is in Worcester Township. A discussion ensued regarding the location of the connection. Mr. Kroberger said Upper Gwynedd Township paves and maintains that portion of the road.

Mr. Duffy asked if we are just continuing and extending Old Morris Road through the right of way? Mr. Benner said it is a driveway connection and Old Morris Road will tie in to that connection. Mrs. Ellzey asked how an 8' driveway meets Township requirements? Mr. Benner said the Fire Marshal approved the plan.

A discussion ensued regarding the liquid fuels tax municipal allocation law and the requirements of the act. Mrs. Ellzey said the grassy area that hasn't been maintained in thirty-four (34) years has been abandoned. Mr. Onorato said the pavement is no longer in use. The Township has been paving up to the grassy area, but it doesn't mean that the Township has abandoned or vacated its' right of way. The Township can't vacate its right of way unless it is done by ordinance. Mr. Onorato reiterated that the right of way is still there. A discussion ensued regarding the paving of Old Morris Road.

David Caracausa, developer, said this is a 2.5-acre lot that is to be divided into a 2-lot subdivision. He said the subdivision meets and exceeds all the Township requirements and said the surveys he presented have not changed. He said there is a thirty-three feet (33') right of way and only sixteen feet (16') of it is paved. He said they are right on the line in Upper Gwynedd Township, but doesn't encroach into Worcester Township.

Mrs. McNaney asked if Mr. Caracausa has seen the email that the Ellzey's received from Worcester Township. Mr. Caracausa said he hasn't seen the email but has addressed the issues the Ellzey's brought up regarding the survey and worked with all the comments to make sure his plan was correct. He has no objections to the Resolution. He is not asking for any zoning variances but there are seven (7) waivers to consider.

Mrs. Ellzey said the Township SALDO states the criteria for a minor subdivision and one of the requirements is a variance from Chapter 195 zoning. Mr. Onorato said the applicant doesn't need a zoning variance as it doesn't apply.

Waivers. Applicant is requesting the following waivers from the provisions of the Sub division and Land Development Ordinance:

Mr. Onorato said the applicant is asking for preliminary/final plan approval.

Mrs. Hull read each of the following waivers.

- A. Section 168-13.B – A waiver is requested from this provision of the Subdivision and Land Development Ordinance which requires a decision on the preliminary plan approval prior to submission for final plan approval. Applicant is requesting a waiver to permit preliminary and final plan approval concurrently.

Mr. Onorato said we typically require preliminary plan approval followed by final plan approval. The applicant is asking for preliminary and final plan approval together which the Board has granted in the past.

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

- B. Section 168-20.D(2)(a) and (c) - A waiver is requested from the provisions of the Subdivision and Land Development Ordinance which requires a minimum street right of way of 54 feet, a 30-foot pavement width, a 4-foot-wide sidewalk and curb. The applicant is requesting a waiver for Old Morris Road for right of way width, cartway widening, curb and sidewalk.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mr. Duffy, the waiver B was approved four votes yay, 1 vote nay (Mrs. McNaney)

- C. Section 168-20.D(2)(a) and (c) - Morris Road is a collector street. The minimum requirements for a collector street are 80-foot right of way, 52-foot pavement width, 5-foot-wide sidewalk and curb. The Applicant is requesting a waiver from performing any improvements to and along Morris Road.

Mr. Onorato said it is not practical to improve Morris Road.

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

- D. Section 168-21.O – A waiver is requested from this provision of the Subdivision and Land Development Ordinance, which requires that a driveway be no closer than 6 feet to a property line. Applicant is requesting a waiver to allow the driveway for Lot 2 to be installed 4 feet from Lot 1.

Mr. Onorato said the mouth of the driveway has been widened to allow for emergency vehicles at the request of the Fire Marshal.

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

- E. Section 168-22.B – A waiver is requested from this provision of the Subdivision and Land Development Ordinance, which requires a curb to be installed along and at the intersection of streets as directed by the Township and/or PennDOT. The Applicant is requesting a waiver from installing curbing along both Morris and Old Morris Roads.

Mr. Onorato said our ordinance requires curbing at intersections but makes no sense in this circumstance.

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

- F. Section 168-23.A. - A waiver is requested from this provision of the Subdivision Land Development Ordinance, which requires sidewalks to be installed where required except where, in the opinion of the Board of Commissioners, they are not necessary for public safety and convenience. The Applicant is requesting a waiver from installing sidewalks for both Morris and Old Morris Roads. There are no sidewalks adjacent to this property on either Morris Road or Old Morris Road.

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

- G. Section 168-4 and 168-8 – A waiver requested from the provisions of the Subdivision Land Development Ordinance, which require a minor subdivision to have frontage on an improved public street and not require the extension of municipal facilities or the creation of any other public improvements. The Applicant proposes to extend Old Morris Road cartway within the existing Old Morris Road right of way from the end of the current cartway through and beyond the width of the proposed access strip.

Mr. Onorato said the requirement is satisfied as the access strip abuts new Morris Road which is an improved street.

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mr. Santi, the waiver G was approved four votes yay, one vote nay (Mrs. McNaney)

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mr. Duffy, Resolution 22-2018 was unanimously approved.

19. Motion to approve Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on Building 60 for Roof Ductwork Replacement Project. (Sundays in October 2018)

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

20. Motion to authorize the advertisement of Ordinance No 2018-012: Sumneytown Pike In-fill and Traffic Management Overlay District

Mrs. Hull explained this involves six (6) properties along Sumneytown Pike that are currently zoned residential, and some developers have requested some low impact businesses be permitted. She said we want to create this multi-zoned overlay district to be permitted by conditional use. Mr. Onorato said this is for advertising the ordinance.

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

LIZ K. MCNANEY
Wastewater Treatment

21. Motion to authorize the advertisement for the 2019 DelPAC 1525 bid

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

22. Motion to authorize the advertisement for the 2019 Dense Soda Ash bid

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

23. Motion to authorize the advertisement for the 2019 Magnetite bid

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

24. Motion to authorize the WWTP Hydraulic Expansion Project Bid Award to Blooming Glen Contractors in the amount of \$4,999,997 (Contract A, General/Mechanical)

Mrs. McNaney said this is part of the expansion project at the Wastewater Treatment Plant.

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

25. Motion to authorize the WWTP Hydraulic Expansion Project Bid Award to Eastern Environmental Contractors in the amount of \$428,800 (Contract B, Electrical)

Mrs. McNaney said this is also part of the expansion project at the Wastewater Treatment Plant.

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

26. Motion to authorize the WWTP PLC Replacement Project Bid Award to BSI Electrical Contractors in the amount of \$259,020

Mr. Kroberger said we were awarded a grant of \$100,000 towards this project.

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

27. Motion to authorize the advertisement for the position of Collection System Operator at the WWTP

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

28. Motion to approve Resolution No. 24-2018, Wissahickon Water Quality Partnership Shareholder request

Mr. Onorato explained the Township entered into an Intergovernmental Agreement with other municipalities for the reduction of phosphorus in the streams. The partnership is asking for an extension of the current 2-year contract which is ending this year. This will allow for additional payments of \$30,000 over the next two (2) years. Mr. Kroberger said the partnership has done a great job in identifying alternatives to the phosphorus reduction.

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

Mr. Kroberger suspended the public meeting to enter into the first public hearing.

29. Public Hearing

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2018-011, an Ordinance amending section 195-3 and 195-23 of the Upper Gwynedd Township Code to permit consumer fireworks sales in the SC Shopping Center District

Mrs. Hull read the purpose of the hearing and entered the exhibits before turning it over to David Onorato.

Brief explanation by David Onorato, Township Solicitor – Mr. Onorato said any change to the Township Code must be done at a Public hearing. We thought it prudent to regulate where fireworks can be sold in the Township. We added two (2) definitions to the code; Consumer Fireworks and Display Fireworks. Mr. Onorato noted that fireworks can only be sold in the Shopping Center District of the Township and explained the regulations of the Ordinance.

Exhibits:

T1: Ordinance 2018-011

T2: Proof of Publication of Legal Advertisement – September 5 and September 12, 2018

T3: Montgomery County Planning Commission Review Letter

T4: UGT Planning Commission Review Letter

30. Request for public comment

Mr. Kroberger asked if anyone had comments in favor or against this ordinance.

There were none.

Mr. Kroberger then suspended the public hearing and reopened the public meeting

31. Motion to approve Ordinance No. 2018-011: Consumer Fireworks

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

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

Mr. Kroberger suspended the public meeting and opened the second public hearing after a 5-minute recess.

33. Public Hearing (Continuation of August 27, 2018)

The purpose of this hearing is to hear comment pursuant to the consideration of an Application for Conditional Use from Hartford Properties, LLC for the property located at 467 Sumneytown Pike in Upper Gwynedd Township, Montgomery County, Pennsylvania. The Applicant proposes to engage in multiple principal uses on the Tract, including offices, retail sales, a gasoline service station and other uses permitted in the "C" Commercial Zoning District, pursuant to Section 195-22.A.(9) of the Upper Gwynedd Township Zoning Ordinance.

Mrs. Hull said this is a continuation of the hearing held on August 27, 2018. She read the above purpose of the hearing. **See attached Court Report for full report of the hearing**

Brief explanation by James Garrity, Special Counsel said this is pursuant to a zoning ordinance amendment that requires a Conditional Use Hearing. He said we will continue with Ms. Kearney's traffic witness.

John Wichner, Traffic Planning and Design was sworn in by court reporter Mark Manjardi.

Exhibits:

- T1: Application for Conditional Use
- T2: Proof of Publication of Legal Advertisement –August 6 and 13, 2018
- T3: UGT Planning Commission Review Letter
- T4: Montgomery County Planning Commission Review Letter
- T5: Letter to Residents
- T6: Verification of Posting Notice
- T7: Public notice of conditional use application
- T8: Ordinance 2018-004 adopted on May 29, 2018
- T9: List of owners, residents and businesses that received notice of the Conditional Use Hearing

Mr. Kroberger said another hearing will continue on October 15, 2018 at 7:00 pm. Mr. Kaplin and Mr. Brooman have 1.5 hours each for presentation and cross examination and the applicant has an additional hour for cross examination/redirect. Mr. Kroberger said this will not be advertised as we are announcing this continuation tonight.

34. Request for public comment

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

Mr. Kroberger closed the public hearing and reopened the public meeting.

OTHER BUSINESS

36. Approval of the September 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 is 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 Collection System, Uniformed Police Pension Fund and VEBA. Hearing no questions or comments, upon motion by Mrs. McNaney, seconded by Mr. Duffy, the Board unanimously approved these invoices as well.

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

37. Call for Adjournment.

Mr. Kroberger announced the Board will be going into Executive Session for personnel and legal issues.

There being no further business, upon motion by Mr. Santi, seconded by Mrs. Hull the meeting was adjourned at 11:38 pm.

Respectfully Submitted,

Alex J. Kaker
Assistant Secretary

/djl

Approved October 22, 2018