

WORKSHOP MEETING MINUTES

November 17, 2015

The November 17, 2015, Workshop Meeting was called to order at 7:00 P.M. Those present were:

Kenneth E. Kroberger	President
James A. Santi	Commissioner
Eugene P. Ziemba	Commissioner
Thomas A. Duffy	Commissioner
Leonard T. Perrone	Township Manager
Michael J. Lapinski	Assistant Township Manager
David Brill	Finance Director
David W. Duffy	Police Chief
David C. Onorato	Township Solicitor
E. Van Rieker	Zoning Officer & Planning Coordinator
Russ Benner	Township Engineer

CONSULTANTS**PLANNING/ZONING**

1. **Presentation of public comments and concerns:** (limit of five minutes per individual)

There were none.

2. **Report by E. Van Rieker (Updates):**

- Sumney Forge (WaWa Center)

Mr. Rieker reported that he was contacted to fill out a Zoning Compliance Report from a national firm which usually means that there is a transfer or refinancing imminent, but he has not heard anything more about it.

- Giant Plan (Plan Review 11/24)

Mr. Rieker reported that the Giant Plan is before Plan Review on November 24th and the new plan needs to come with excellence in architectural design and streetscape.

- ZHB 15-16 BTV Brookview LP Appeal - Variance to permit Medical Office for Gastroenterological Exams and Scoping. Approved 10/27/15.

Mr. Rieker reported that Brookview was approved for Gastroenterological exams subject to very specific space and duties. He stated that he expects to receive the Use and Occupancy Applications within the next 30 days.

- ZHB 15-17 BCHW Holdings, 1830 West Point Pike. Cardinal Hollow Wines request for outside seating/limited dining and variance from requirement for additional parking.

Mr. Rieker reported that BCHW Holdings is the Cardinal Hollow Winery in West Point. He stated that the Board might want to consider sending the Solicitor to this hearing. The Applicant is requesting outside dining/seating and a porch type area, and he needs a special exception or variance for parking. Mr. Ziemba questioned the location of the outdoor seating. Mr. Rieker stated out front between the sidewalk the front of the building. Attorney Onorato noted he is proposing a wall at the curb line. He noted that they also need relief to be able to

serve food. Mr. Rieker noted that serving food does trigger the need for additional parking. Mr. Kroberger questioned the hearing schedule. Mr. Rieker responded, "They are on the schedule for next Tuesday." There was lengthy discussion in regard to the safety of individuals sitting outside in close proximity to the traffic on West Point Pike. Mr. Rieker pointed out the location of the dining area on the screen for the Board and noted that it would be covered by a roof. He reported that according to the Code anytime service is added whether it is for the same population or not, parking needs to be provided or a variance needs to be requested for the spaces. Mr. Duffy questioned whether or not the Applicant has enough parking now. He stated that he believes he was supposed to get approval for hosting inside the building, and he never did. Mr. Perrone noted that he is not allowed to serve food. He also reported that the Applicant now owns the building next door. Mr. Lapinski reported that the Applicant has parking in the rear of the property and there is a sign that states "Overflow parking goes to the corner lot on Garfield and Jones." Mr. Rieker stated the Applicant is not showing any additional parking on his Plan. The Board was in agreement that the proposed outdoor seating is a safety concern.

Mr. Santi motioned to have Solicitor Onorato appear at ZHB 15-17 BCHW Holdings, 1830 West Point Pike. Cardinal Hollow Wines on Tuesday, November 24, 2015, to oppose the proposed outside front seating based on the safety issue. Seconded by Mr. Duffy, this motion was approved.

- ZHB 15-18 Barnard Appeal, 381 Langberg Lane. R-2 Residential. Request for a detached garage approximately 15' 6" in height, whereas the maximum height is 14'.

Mr. Rieker reported that the Barnard Appeal is for a residential detached garage and the Applicant is aware that it cannot exceed 14' in height. Because he wants to match the slope of the roof to his house (the pitch) with the new slope on the garage and it exceeds the maximum height by 1 1/2 feet.

- ZHB 15-19 Caracausa Appeal, 609 W. Prospect. R-1 Residential. Request to permit 4 single family lots, each having a width of 125', whereas a minimum of 200' at building setback line is required. Also requests a reduction in the width of minimum required side yards.

Mr. Rieker reported that David Caracausa wants to combine 601 W. Prospect (his residence) and the adjacent 609 W. Prospect (the "Suits Us") property and he is asking for a dimensional width variance in order to permit four new houses. This plan would be two houses in the front and two houses in the back; however, he would like to do a horseshoe entrance off of W. Prospect pushing the houses back so that they all have a view of the Wissahickon Valley. Mr. Perrone noted that the horseshoe entrance would be managed by a Homeowners Association. Attorney Onorato stated he has a problem with the fact that the plan Mr. Caracausa attached to the Zoning Hearing Board (ZHB) Application is not the plan that he presented with the horseshoe drive. Mr. Rieker reported that he instructed Mr. Caracausa to ask for approval for the four lots and just show the board the plan for the horseshoe drive, but not ask for approval of the drive yet since it is really land development. Attorney Onorato asked whether or not the Board wants to see the horseshoe drive. He stated if it is not made a condition, Mr. Caracausa can put in any kind of driveway. There was discussion about the width of the lots. Attorney Onorato explained that Mr. Caracausa will show the ZHB that he has four lots by right of relief but that plan required flag lots, and he would rather have the homes pushed back with a horseshoe drive. Mr. Rieker reported that Mr. Caracausa does not have all the dimensions worked out, just the concept so there is not an exhibit to show the ZHB. He noted it is an "eyebrow" type plan, and Mr. Perrone noted the houses are all on a slight angle. Mr. Santi added at 125' setback not 220'. The Board was in agreement to send Attorney Onorato to the hearing to make an appearance. Mr. Santi noted it is important that the Township gets a right-of-way to the sewer line and/or trail to the nature preserve.

Mr. Santi motioned to have the Township Solicitor appear at ZHB 15-19 Caracausa Appeal, 609 W. Prospect on Tuesday, November 24, 2015. Seconded by Mr. Ziamba, this motion was approved.

- ZHB 15-20 Rutledge/Mortimer Appeal, 712 S. Towamencin Avenue. R-2 Residential. Request to permit an addition to extend 3' 5" into the required side yard and request to permit driveway to be positioned 2' from a side property line, whereas a minimum of 6' is required.

Mr. Rieker stated that the Rutledge/Mortimer Appeal is an older ranch home that the Applicants want to double in size with a number of additions. It is only 100' in width and the current requirement is 120'. He needs a minor side yard dimension for one of the additions, and he wants to reduce the driveway setback along one side from the current required 6' to 2' so that he can have a side-facing garage on the other side of the house. Attorney Onorato noted the house is small under 900 sq. ft., and he is making a horseshoe house out of it. Mr. Rieker reported there will be a courtyard in the middle of it.

3. **Ordinance No. 2015-010:**

Mr. Rieker stated that Ordinance No. 2015-010 Amends Chapter 195, Section 195-20B of the Code of Ordinances by adding a new subsection (3) thereof which adds medical or dental offices for the examination of persons on a non-emergency, out-patient basis by appointment to uses permitted in the OC-Office Center District. He noted that this document has been revised and it is more clear than the one the Board previously considered. He reported that it is very specific to medical uses being added to the OC District. He noted there are currently three OC zones: The Merck building, the Brookview buildings, and the Gwynedd Corporate Center. He clarified the new language states non-emergency, exclusively out-patient, and includes medical or dental clinics that accept patients without appointments are specifically excluded. It was noted that this Ordinance was advertised on October 30 and November 6, 2015, and it is ready for Public Hearing and approval next week.

4. **Highway Materials, Inc. (PennDOT's Contractor):**

Mr. Perrone stated that Highway Materials, Inc. was contracted by PennDOT to mill and overlay Allentown Road. He reported that the Township needs to ratify a Waiver which was verbally given to Highway Materials from Chapter 125-5 for night time work hours and Waiver from Chapter 113-1 for Sunday work related to the paving work on Allentown Road from Broad Street to Sumneytown Pike.

5. **North Penn Art (720 S. Broad St.):**

Mr. Rieker stated that North Penn Art (720 S. Broad Street) is ready for subdivision approval by Resolution 22-2015. He reported the Planning Commission and the County have signed off on the Plans. It is a two lot subdivision, adding another building to the right of the existing building with shared parking. He noted this would be built in a two-step process. The first step will be to expand the parking, and there is legal language on the Plan that if at any time any party feels there is a need for parking, it must be provided. He noted since there will be no access to the rear of the existing building, a sprinkler system will be installed as required by the Fire Marshal. Then there will be a one-story one use building on the second lot. Circulation is joined together by cross easements which has been approved by T&M Associates and the Solicitor's Office. There will be one access to the property which has been expanded with landscaping along the side and the rear. He noted there are a couple of Waivers relative to the Plan.

6. **Merck & Co., Inc.:**

Mr. Perrone stated that Merck & Co., Inc. requested a one (1) year extension to the Upper Gwynedd site Land Development Agreement to complete the widening of Wissahickon Avenue. It was noted that this is for the building across the street from the Township Building, and the new term will expire on December 31, 2016.

7. **Merck & Co., Inc.:**

Mr. Perrone stated that Merck & Co., Inc. submitted a request for a Waiver from Chapter 124-5 for work related to operating a Vacuum Excavation Truck and other noise creating equipment on Saturday's December 5, 12, 19, and 26, 2015, to vacuum ballast river rock on the existing roof system of Building 38 to allow for removal and installation of a new roof system. Request for a Waiver from Chapter 113-1 for backup dates on Sunday's December 6, 13, 20, and 27, 2015.

8. **Merck & Co., Inc.:**

Mr. Perrone stated that Merck & Co., Inc. submitted a Request for a Waiver from Chapter 124-5 for crane work for lifting roofing materials onto Building 38 on Saturday's December 5, 12, 19, and 26, 2015, and January 2, 9, 16, 23, and 30, 2016. Request for a Waiver from Chapter 113-1 for backup dates on Sunday's December 6, 13, 20, and 27, 2015, and January 3, 10, 17, 24, and 31, 2016.

ENGINEERING

9. **Report by T&M Associates (Updates):**

- GIS Development (Sugar Valley)

Nothing new.

- Gwynedd Manor Road Curb Line Drainage Problem

Nothing new.

- West Point Streetscape

Mr. Benner deferred this topic to Mr. Lapinski's report under the Public Works section.

- Review DEP/County Wissahickon Stormwater Management Plan

Mr. Benner reported that T&M is in the process of reviewing the Wissahickon stormwater management Ordinance. They will be coordinating with the Solicitor's Office to show the differences between the sample Ordinance and the current Ordinance in order to give a presentation to the Board.

- MS-4 Update (Sediment TMDL Implementation Plan advertised 10/30/15)

Mr. Santi questioned the TMDL meeting date, and it was confirmed that it is this Thursday, November 19, 2015. Mr. Benner stated it is a Public Hearing for the TMDL Plan at 7:00 PM at the Township, and there will be an item on the Agenda for public comments and a court stenographer will be present. Attorney Onorato stated that anything that gets presented needs to be listed in the transcript so that it becomes part of the record.

- Multimodal Transportation Fund (available Grant)

Mr. Benner reported that PennDOT has a \$47M Grant Program open which is focused on alternative transportation (i.e. sidewalks, trails, streetscape, etc.), and it closes December 18, 2015. He stated it is a 70/30 program meaning 30% of the funding is required by the Applicant. The Grant can be used for sidewalks and can be used for filling in gaps along sidewalks as long as they are along local Township roads not PennDOT roads they do not go through the ECMS process or a safety review. He reported that T&M has done two Multimodal Grants for Plymouth Township for straight forward sidewalk projects. Mr. Benner recommended this Grant could be used for the railroad crossing and sidewalk project in West Point. He noted that the Township would still have to go through the County for the Highway Occupancy Permit. Mr. Santi questioned how long the Township would have to complete the project. Mr. Benner replied two years. There was a question in regard to curbing.

Mr. Benner reported it can be used for curbing as long as it is mainly used for sidewalk. Mr. Lapinski stated that he would look into other projects that Mr. Troxel might know about and get back to Mr. Benner. The Board instructed Mr. Benner to move forward with the Grant Application for the West Point Sidewalk Project.

- Providence Reserve Punch List

Mr. Benner stated that he will be working up a cost estimate on the remaining items on the Providence Reserve Punch List.

FINANCE/PERSONNEL/ADMINISTRATION

10. 2016 Township Meeting & Holiday Schedule:

Mr. Perrone stated the 2016 Township Meeting and Holiday Schedule needs to be authorized for advertising. He noted that the Re-Organization Meeting will be held on January 4, 2016, at 7:30 PM. The Board was in agreement with exchanging the Election Day holiday in November for the Martin Luther King Day holiday in January going forward. Mr. Santi requested switching the November 28, 2016, Public Meeting to November 21, 2016. The Board was in agreement with this meeting change.

11. Ordinance No. 2015-013:

Mr. Perrone stated Ordinance No. 2015-013 is the Tax Rate Ordinance for 2016. He noted that the millage stays the same with no tax increase. He explained that the advertising needs to be approved tonight due to the 30 day public notification period that is required by law.

Mr. Duffy motioned to approve the advertising of Ordinance No. 2015-013. Seconded by Mr. Santi, this advertisement was approved.

12. Ordinance No. 2015-014:

Mr. Perrone stated Ordinance No. 2015-014 is the Budget Appropriations Ordinance for 2016. He explained that the advertising needs to be approved tonight due to the 30 day public notification period that is required by law.

Mr. Santi motioned to approve the advertising of Ordinance No. 2015-014. Seconded by Mr. Ziemba, this advertisement was approved.

13. Resolution No. 20-2015:

Mr. Perrone stated that Resolution No. 20-2015 for the 2016 Homestead Exemption needs to be approved at next week's Public Meeting.

14. Resolution No. 21-2015:

Mr. Perrone stated that Resolution No. 21-2015 to authorize the auditors to conduct the 2015 audit needs to be approved at next week's Public Meeting. He noted that approving this in November gives the auditors extra time to begin work in December.

PUBLIC WORKS/PARKS/RECREATION

15. Status of West Point Streetscape Project:

Mr. Lapinski reported that the manufacturer sent the wrong poles to Carr and Duff so this set the project back a little bit. He reported the new estimated ship date for the poles is November 23, 2015. He stated the contractor is presently working on Punch List work, and tomorrow they will be working on the crosswalk areas that need to be touched up. Then Carr and Duff will set the light poles. He noted the wires are already pulled through. He stated that the lights are controlled by three photo sensors and will be in a box. Carr and Duff will just need to coordinate with PECO to energize. Mr. Lapinski noted that there are three circuits so the lights may come on by a minute or two differently.

16. Niceljes, Inc. d/b/a/ Boston Style Pizza:

Mr. Perrone stated that the Concession Stand Lease Agreement with Niceljes, Inc. d/b/a/ Boston Style Pizza in the amount of \$6,000 needs to be approved for the 2016 season. He noted the food was good and the revenue stream improved during the last season. It was also noted that the price remains the same.

17. T&M Associates:

Mr. Perrone stated the Township received multiple competitive proposals for performing a Needs Assessment for the Community Center Project in the amount of \$15,200. He reported they will look at the programming and what other facilities are in the area to establish what type of building (if any) the Board would want to consider constructing in order to run programs through the winter.

PUBLIC SAFETY

18. Ordinance No. 2015-11:

Mr. Perrone stated that Ordinance No. 2015-11 needs to be approved in regard to the County's upgrade of emergency radios. This Ordinance approves certain Capital projects; authorizes a borrowing by the Township of Upper Gwynedd, Montgomery County, Pennsylvania ("the Township") from the county of Montgomery, Pennsylvania ("the County") and the issuance of a Promissory Note, 2015 Series ("The 2015 Note") in the maximum principal amount of \$224,382.97; approves the substantial form of The 2015 Note and approves the execution of The 2015 Note and delivery of The 2015 Note to the County of Montgomery, Pennsylvania ("the County"); authorizes execution and delivery of all other necessary documents; states the amortization schedule for The 2015 Note, states that the Township is obligated to make payments on The 2015 Note only from funds if and to the extent appropriated for the then current fiscal year of the Township; authorizes any payments made on The 2015 Note to be made as directed by the Delaware Valley Regional Finance Authority which has been appointed as collection agent for the County; authorizes advertisement of enactment; and repeals inconsistent Ordinances. He noted that it was advertised on November 6, 2015, and it is ready for approval.

Mr. Perrone reported that this covers the emergency radios for the Police Department, the Fire Department, and the Fire Marshal. It was noted that the County will provide the radios for Emergency Management which includes Mr. Tomczak, Mr. Sarver, and Mr. Troxel.

19. Ordinance No. 2015-012:

Mr. Perrone stated Ordinance No. 2015-012 was advertised on November 2, 2015, and is ready to be approved. He reported that this Ordinance amends Chapter 185, Sections 185-11 and 185-19 of the Code of Ordinances to remove a right-hand turn prohibition from Sandys Lane southbound onto Weber Road and to remove an entry restriction onto Marlyns Lane northbound from Hancock Road. It was noted that this is within the Gwynedd Gardens development.

WASTEWATER TREATMENT

20. **TMA Capital Projects Fund - October Vouchers for Review:**

- A. Uninvest Bank and Trust Co.
Upper Gwynedd Towamencin Municipal (Statement Period 10/01/15 – 11/01/15)
Current Balance: \$ 353,965.86
- B. Bursich Associates: \$ 2,829.49
Engineering Fees
- C. Almeida & Hudak: \$0.00
Payment No.
Valley Forge Road Meters

Mr. Perrone reported 20A and 20B are the projects being completed by the Towamencin Authority with the reserve money that was left there for projects that Upper Gwynedd agreed to help fund.

21. **DeIPAC 1525 Polyaluminum Chloride Formulation Bid:**

Mr. Perrone stated the DeIPAC 1525 Polyaluminum Chloride Formulation Bid is for a new chemical that is needed at the Wastewater Treatment Plant. He noted that this is for phosphorus removal, and the Bid will be opened on Thursday, November 19, 2015.

22. **Dense Soda Ash Bid:**

Mr. Perrone stated the Dense Soda Ash Bid is for a new chemical that is needed at the Wastewater Treatment Plant. He noted that this chemical is used to neutralize alkalinity, and this Bid will be opened on Thursday, November 19, 2015.

23. **Wexcon, Inc. Application for Payment No. 2 and Final:**

Mr. Perrone stated that Wexcon, Inc. Application for Payment No. 2 and Final in the amount of \$8,540 for the UGTMA Manhole Repairs Project needs to be approved. It was noted that this is for spot repairs in Gwynedd Gardens development.

There being no further business for public discussion, the meeting was adjourned at 7:57 PM to Executive Session.

Respectfully submitted,

Krista M. Caracausa
Recording Secretary

Approved December 21, 2015