

MINUTES OF PUBLIC MEETING

February 23, 2015

KENNETH E. KROBERGER, PRESIDENT
Finance/Personnel/Administration**1. CALL TO ORDER.**

The February 23, 2015, 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
M. Clare Edelmayer	Vice 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
Richard Watt	Township Solicitor
Russ Benner	Township Engineer

Mr. Kroberger closed the Public Meeting and opened the Public Hearing.

2. Public Hearing

The purpose of the hearing is to hear comment concerning the application of Weis Markets, Inc. to transfer Liquor License No. R-937 to 1551 Valley Forge Road, Lansdale, PA, 19446, in North Penn Market Place.

Exhibits:

- T1: Letter from Flaherty & O'Hara dated November 24, 2014, requesting a Resolution from Upper Gwynedd Township approving the inter-municipal transfer of Pennsylvania "R" or "restaurant" Liquor License from outside the municipality into Upper Gwynedd Township. Weis will be operating a restaurant inside its grocery store in which it intends to sell beer, referred to in the Liquor Code as malt and/or brewed beverages. Weis plans to sell beer from the restaurant for consumption on premises in the restaurant and "to go" and may, at some future date, sell wine for consumption on the restaurant premises.
- T2: Letter from Flaherty & O'Hara dated December 16, 2014, requesting a waiver of the 45-day period to approve or deny the requested transfer by way of a Resolution or Ordinance.
- T3: Letter from Flaherty & O'Hara dated January 26, 2015, postponing the hearing scheduled for that evening in light of the expected snow storm.
- T4: The Reporter Advertisement of February 3rd and 10th, 2015.
- T5: Resolution No. 01-2015 approving the transfer of Restaurant Liquor License No. R-937 into Upper Gwynedd Township from Upper Merion Township for Weis Market, Inc.

Mr. Santi read Item No. 2 above and Exhibits T1 through T5 entering them into the record. He asked if someone present was representing the Applicant Weis Markets.

Michael Schlagnhauer introduced himself and stated that he is with Flaherty & O'Hara Attorneys at Law, and he is representing Weis Markets, Inc. He also introduced Tim Snyder who is the Senior Manager of Architecture at Weis Markets, Inc. Mr. Schlagnhauer provided a handout of the Remodel Concept Plan for Store 112 (attached to the Minutes). He gave a concise presentation which included an Introduction, Liquor Code, Decision Making Process, Remodel, Floor Plans, Hours of Operations, Offerings, Self-Imposed Beer Limits, Security, Summary, and a Conclusion. The Inter-Municipal Transfer Hearing Presentation document is attached to the Minutes. He reported the Café will be located at the front of the store and will have its own entrance as well as accessibility from inside the store. He noted that *everybody* gets carded (100% Carding Policy). There will be no entertainment, and no smoking will be permitted.

Mr. Kroberger asked how long the other nearby locations have been open. Mr. Snyder answered, "Doylestown, East Norriton, and Conshohocken Cafés opened last fall." Mr. Kroberger asked if there were any situations in those areas that would require them to make changes in this area. Mr. Snyder answered, "No. There were no problems." Mrs. Edelmayer questioned whether or not the 100% Carding Policy is a law since other grocery store Cafés seem to be following the same procedure. Mr. Snyder reported it is not a law, businesses do not want to jeopardize their Liquor Licenses. Mr. Kroberger asked whether or not Weis plans to sell wine in the near future. Mr. Schlagnhauer explained the Liquor License permits selling glasses of wine for consumption on premises, but Weis does not plan to do it at this time. Mr. Kroberger asked whether or not the other nearby locations are selling wines by the glass. Mr. Snyder answered, "No, they do not." Mr. Ziemba clarified, "Weis cannot sell hard liquor at the store, is that right?" Mr. Schlagnhauer answered, "The "R" Liquor License does give Weis the ability to sell beer, wine, and liquor for consumption, but Weis has no plans to do that."

Mr. Santi asked if anyone had any questions in regard to the Liquor License transfer. There were none. Mr. Santi asked if anyone disapproves of the Liquor License transfer. There were no comments. Mr. Santi asked if anyone was in support of the transfer. Some audience members raised their hands.

Mr. Santi motioned to close the hearing. Seconded by Mr. Duffy, the hearing was closed.

Mr. Kroberger reopened the Public Meeting.

3. ANNOUNCEMENT OF EXECUTIVE SESSION HELD ON SUNDAY, FEBRUARY 22, 2015, TO DISCUSS LEGAL MATTERS.

Mr. Kroberger announced that an Executive Meeting was held on Sunday, February 22, 2015, to discuss legal matters.

4. MOTION TO APPROVE THE MINUTES OF THE WORKSHOP MEETING HELD ON JANUARY 20, 2015.

Mr. Kroberger noted that the Workshop Minutes were received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Santi, seconded by Mrs. Edelmayer, the Minutes of the January 20, 2015, Workshop Meeting were approved as presented.

5. MOTION TO APPROVE THE MINUTES OF THE PUBLIC MEETING HELD ON JANUARY 26, 2015.

Mr. Kroberger noted that the Minutes of the Public Meeting were received with the Agenda packet. Hearing no questions or comments, upon motion of Mrs. Edelmayer, seconded by Mr. Ziemba, the Minutes of the January 26, 2015, Public Meeting were unanimously approved.

6. MOTION TO APPROVE THE DEPARTMENTAL REPORTS FILED BY TOWNSHIP STAFF.

Mr. Kroberger noted that the Departmental Reports were sent with the Agenda and asked for comments or questions. Hearing none, upon motion of Mr. Ziemba, seconded by Mr. Santi, the Departmental Reports were approved as submitted.

7. PRESENTATION OF PUBLIC COMMENTS AND CONCERNS (LIMIT OF FIVE MINUTES PER INDIVIDUAL).

There were none.

8. RECOGNITION OF JONATHAN J. GILL FOR FIVE (5) YEARS OF SERVICE TO THE TOWNSHIP.

Mr. Kroberger stated it is always a pleasure to recognize employees as they reach milestones with the Township. This month the Board would like to recognize Jonathan Gill from the Police Department for five years of service to the Township and its residents. Police Chief Duffy stated it seems like just yesterday that we hired him, and he does an excellent job.

9. RECOGNITION OF DAVID M. POIRIER FOR TWENTY-FIVE (25) YEARS OF SERVICE TO THE TOWNSHIP. (NOT ATTENDING)

Mr. Kroberger stated the Board would like to recognize David Poirier for 25 years of service to the Police Department and the Township. He noted that he has had the pleasure of knowing him for the 25 years and he does an excellent job. Police Chief Duffy noted that he saw Deputy Chief Poirier's wife over the past weekend and that he apologized to her for the time that the Department takes away from their family on the weekends.

Mr. Santi noted that both Officers are really good at their jobs, and the Township is fortunate to have both of them.

10. MOTION TO AMEND THE 2015 BUDGET INCREASING THE TRANSFER OF FIRE TAX FUNDS TO THE FIRE COMPANY IN THE AMOUNT OF \$11,871.75. THIS TRANSFER IS NECESSARY DUE TO THE UNANTICIPATED REPAIR OF A FIRE COMPANY SQUAD VEHICLE.

Mr. Kroberger read Item No. 10 above. He explained that there was a complicated problem with the power steering on a squad vehicle that required repairs by a factory authorized representative. The Township will be amending the Budget to accommodate the cost of this repair. Mrs. Edelmayer motioned to amend the 2015 Budget increasing the transfer of Fire Tax Funds to the Fire Company in the amount of \$11,871.75. Seconded by Mr. Duffy, the amendment was approved.

M. CLARE EDELMAYER, VICE PRESIDENT
Public Works/Parks/Recreation**11. MOTION TO APPROVE THE CONCESSION STAND LEASE AGREEMENT BETWEEN THE TOWNSHIP AND NICELJES, INC. D/B/A BOSTON STYLE PIZZA FOR THE 2015 SEASON (MAY 1 THROUGH SEPTEMBER 19, 2015).**

Mrs. Edelmayer reported that for the last two years the Township has been running the Concession Stand located at Parkside Place. She stated that the Township received a Bid from Boston Style Pizza to run the Concession Stand this year, and this will take the responsibility off of the employees of the Township. Mrs. Edelmayer motioned to approve the Concession Stand Lease Agreement between the Township and Niceljes, Inc. d/b/a Boston Style Pizza for the 2015 season. Seconded by Mr. Santi, this Lease Agreement was approved.

- 12. MOTION TO ENDORSE THE WISSAHICKON VALLEY WATERSHED ASSOCIATION'S GRANT APPLICATION FOR THE NATIONAL FISH AND WILDLIFE FOUNDATION DELAWARE RIVER RESTORATION PROGRAM FOR THE WISSAHICKON CREEK ALONG THE PECO RIGHT-OF-WAY BETWEEN SUMNEYTOWN PIKE AND MOYER BOULEVARD.**

Mrs. Edelmayer reported that the Wissahickon Valley Watershed Association (WVWA) is trying to get Grant money to restore the Wissahickon Creek banks along the PECO right-of-way between Sumneytown Pike and Moyer Boulevard, and they are asking the Township to write a letter in support of the program. Mrs. Edelmayer motioned to endorse the WVWA's Grant Application for the National Fish and Wildlife Foundation Delaware River Restoration Program. Seconded by Mr. Duffy, this motion was approved.

JAMES A. SANTI

Zoning/Planning

- 13. MOTION TO APPROVE RESOLUTION NO. 01-2015 APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-937 INTO UPPER GWYNEDD TOWNSHIP FROM UPPER MERION TOWNSHIP FOR WEIS MARKET, INC.**

Mr. Santi read Item No. 13 out loud to the audience. He noted that everything that is in the Resolution was outlined by Mr. Schlaghauer or covered by questions by the Board. Mr. Kroberger asked once again if there were any comments or questions. Hearing none. Mr. Santi motioned to approve Resolution No. 01-2015 approving the transfer of Restaurant Liquor License No. R-937 into Upper Gwynedd Township from Upper Merion Township for Weis Market, Inc. Seconded by Mr. Ziemba, this Resolution was approved.

EUGENE P. ZIEMBA

Public Safety

- 14. MOTION TO APPROVE A PRELIMINARY PLAN AGREEMENT WITH KISTLER BUILDINGS IN THE AMOUNT OF \$2,500 FOR THE CONSTRUCTION DRAWINGS AND SPECIFICATIONS OF A POLICE CARPORT.**

Mr. Ziemba reported that the Police Department is in need of a carport to protect their cars during inclement weather when they are dealing with emergency situations. He stated Kistler Buildings submitted a Preliminary Plan Agreement to provide foundation and floor plans, elevations, and specifications which will be used for bid specifications for bidding the carport. Mr. Ziemba motioned to approve a Preliminary Plan Agreement with Kistler Buildings in the amount of \$2,500 for the construction drawings and specifications of a carport. Seconded by Mr. Santi, this Agreement was approved.

THOMAS A. DUFFY

Upper Gwynedd Wastewater Treatment and Upper Gwynedd Towamencin Municipal Authority (UGTMA)

- 15. MOTION TO APPROVE A CONSENT ASSESSMENT OF CIVIL PENALTY AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION RELATIVE TO THE REPORTING OF WASTEWATER SSOs THAT OCCURRED BETWEEN 2010 AND 2014.**

Mr. Duffy read Item No. 15 above. He reported that the Township has an Inflow and Infiltration Committee, and they have been working very diligently to reduce the number of Sanitary Sewer Overflows (SSOs – when water comes out of a manhole) within the Township. This does happen from

time-to-time especially during extremely wet weather. He noted the number has been reduced dramatically over the past five to six years.

Mr. Duffy motioned to approve the Consent Assessment of Civil Penalty Agreement with DEP relative to the reporting of Wastewater SSOs that occurred between 2010 and 2014 in the amount of \$25,000. Seconded by Mr. Santi, this Agreement was approved.

16. MOTION TO AUTHORIZE EXECUTION OF A RESOLUTION EXTENDING THE TERM OF THE UPPER GWYNEDD TOWAMENCIN MUNICIPAL AUTHORITY TO JUNE 30, 2015, CONTINGENT UPON THE RECEIPT OF A FULLY EXECUTED CUSTOMER SERVICE AGREEMENT AND WITHDRAWAL AGREEMENT.

Mr. Duffy stated a Resolution needs to be approved to extend the term of the Upper Gwynedd Towamencin Municipal Authority which is a joint (Wastewater Treatment) Authority that the Township shares with Towamencin Township. He reported that this is contingent upon receiving a fully executed Customer Service Agreement and a Withdrawal Agreement from Towamencin. He stated the Township has been negotiating with Towamencin on redirecting the flow back to the Upper Gwynedd Township Wastewater Treatment Plant. He explained that right now the Authority expires in the middle of March so it will be extended until June 30, 2015. This will allow the parties to finish up documentation and the transfer of contracts.

Mr. Duffy motioned to authorize the execution of a Resolution extending the term of the Upper Gwynedd Towamencin Municipal Authority to June 30, 2015, contingent upon the receipt of a fully executed Customer Service Agreement and Withdrawal Agreement. Seconded by Mr. Ziembra this Resolution was approved.

OTHER BUSINESS

17. APPROVAL OF THE FEBRUARY, 2015, BILLS.

Mr. Kroberger noted that the Board had received a copy of the General fund bills. Mrs. Edelmayer noted the Township spent \$36,000 on salt. Mr. Kroberger noted that Public Works is doing an excellent job handling the ice and snow this year especially when there was snow with freezing rain on top of it. Hearing no further comments or questions, upon motion by Mr. Santi, seconded by Mr. Duffy, the General Fund bills for February were approved. Mrs. Edelmayer abstained from approving the Zoning Solicitor's bill.

Mr. Kroberger advised that the Board had also received a copy of the bills from the Sewer Fund and asked for questions or comments. Hearing none, upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, 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. Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved these invoices as well.

Mr. Kroberger advised that there were a number of invoices that had been prepaid. Upon motion by Mr. Santi, seconded by Mr. Ziembra, the Board unanimously approved the pre-paid invoices.

Mr. Ziembra asked Police Chief Duffy how many police cars have cameras installed now. Chief Duffy answered six with three more to go. Mr. Ziembra noted the \$16,000 invoice. Chief Duffy noted they came in a little under Budget. Mr. Ziembra asked, "What are mock shirts?" Chief Duffy answered, "Turtle necks."

18. CALL FOR ADJOURNMENT.

There being no further business, upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the meeting was adjourned at 8:07 PM.

Respectfully Submitted,

Leonard T. Perrone
Secretary

/kmc

Approved March 23, 2015