

# WORKSHOP MEETING MINUTES

January 20, 2015

The January 20, 2015, Workshop Meeting was called to order at 7:00 P.M. Those present were:

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
David C. Onorato	Township Solicitor
E. Van Rieker	Zoning Officer & Planning Coordinator
Russ Benner	Township Engineer

1. **Weis Markets:** Hearing -Transfer of Restaurant Liquor License No. R-937

Mr. Perrone reported that next week's Public Meeting will begin with a hearing relative to the Liquor License transfer to Weis Market. He noted the license is being transferred from Lower Merion Township to Upper Gwynedd Township.

## CONSULTANTS

### PLANNING/ZONING

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

- Newbury II Status Report (January Planning Commission Meeting)

Mr. Rieker reminded that Newbury II is a proposed change in zoning, and it has been before the Planning Commission three times. He reported the Applicants want to continue to move forward, but they need some time to work on some loose ends so they may not be back before the Planning Commission until February or March.

- Kyle Hoff Zoning Hearing Board (ZHB) Application (1851-1855 West Point Pike)  
(ZHB decision pending)

Mr. Rieker reminded that the Kyle Hoff ZHB Application is for the Shabby Attic, the West Point Post Office, and the adjacent property in West Point. He reported this was approved with limitations mostly for parking. They are expecting the Applicant to file plans for a complete renovation of both buildings in the next 30 to 60 days. He reported that the Applicant has given eviction notice to all the existing tenants except for the Post Office.

Mr. Santi questioned whether or not Mr. Hoff will be doing anything with the West Point Post Office. Mr. Rieker reported the footprints or envelopes will remain the same. It will just be reskinned (i.e. new roof, windows, etc.) Mr. Santi stated he just wanted to clarify that the Post Office is not closing for the Reporter who is present.

- 177 Wissahickon Avenue (former Spra-Finn) proposed Fitness Center (January ZHB Use Variance)

Mr. Rieker reported that 177 Wissahickon Avenue is the former Spra-Finn building and now it is being proposed as a Fitness Center. The Applicant wishes to use half of the building for a small personal training Fitness Center. It will be heard next Tuesday at the ZHB Meeting, and it will be a use variance. He stated that he and Mr. Benner visited the site, and they believe there may be some parking questions. He reported that he plans to let the ZHB handle the use variance, and he and Mr. Benner will deal with the parking if it is an issue.

- Regulation of recreation vehicles/boat storage on private property.

Mr. Rieker stated that he does not believe that recreational vehicles, boats, and trailers are adequately covered in sections of the Code as to where they are allowed to be parked. He reported that this will be discussed at the ZHB and then the suggestions will be brought before the Board of Commissioners in the next 4 to 6 weeks. He reported that this will really help in the R3 developments where residents are overusing their front yards.

- Regulation of POD type storage containers.

Mr. Rieker stated the POD type storage containers are a companion to the regulation of recreation vehicles/ boat storage on private property above. There are not many cases but they do exist and they are being stored on the property for more than a “temporary” period of time (30 to 60 Days). He reported that he has been enforcing this situation by telling residents if the POD is on the property for more than 30 days, they need a Permit because it is being used as a shed. He stated this is also mostly in high density areas with smaller lots.

### 3. **Flood Plain Ordinance:**

Mr. Rieker stated in regard to the text in the Flood Plain Ordinance, the Township has been waiting for the review letter from the Montgomery County Planning Commission (MPCP). He reported that this Ordinance amends the existing Flood Plain Ordinance at the recommendation of FEMA and MCPC who have preliminarily reviewed it and approved it. Mr. Rieker stated that he is recommending that the Board schedule a hearing to enact the Ordinance. Mr. Kroberger stated, “next Monday the Board will authorize the advertising.” Attorney Onorato stated, “date of hearing and advertisement.” Mr. Perrone questioned whether or not there is anything that would prevent the Township from having the hearing in February. Mr. Rieker answered, “No, both Planning Commissions, FEMA, and T&M have all approved the Ordinance as written.”

Mrs. Edelmayer questioned whether or not this Ordinance has anything to do with the new national Flood Plain. Mr. Rieker reported that Map which was scheduled for 2010 is still pending and is now scheduled for September of 2015. He stated once FEMA adopts it, then the Township will adopt it as well. Mrs. Edelmayer clarified everybody across the Country will adopt it. Mr. Rieker answered, “Correct.” He reported that Montgomery County has signed off on the Maps, but FEMA is waiting until they can adopt the Maps for the entire Country.

### **Not on the Agenda:**

Mr. Rieker reported that there is a vacant space next to Weis Market in North Penn Market Place which is owned and managed by Brix More. He stated that he expects to receive an Application for an Urgent Care Clinic to go into that space within the next few days. He noted that this use has become more common over the last few years in shopping centers. He reported he expects there to be a question relative to parking. He noted that this will go to the ZHB because the use is not provided for in the SC District. Mr. Santi questioned the exact location. Mr. Rieker stated between Weis Market and the Hallmark store.

### 4. **Ordinance repealing Township Code Chapter 87:**

Mr. Lapinski reported that the Board needs to authorize the preparation and advertising of an Ordinance repealing Chapter 87 of the Township Code. He stated this section contains an outdated electrical system code. Mr. Lapinski explained since the Township adopted the Uniform Commercial Code (UCC) and the Township’s program to issue Electrical Permits and do the electrical inspections, Chapter 87 needs to be repealed. Mr. Santi questioned whether or not new text needs to be added. Attorney Onorato clarified it is within the UCC.

### 5. **Resolution 01-2015:**

Mr. Perrone reported that Resolution 01-2015 is the Resolution approving the transfer of Restaurant Liquor License No. R-937 into Upper Gwynedd from Upper Merion Township. He stated that this Resolution will be approved after the Weis Market Public Hearing next week.

6. **Resolution 02-2015:**

Mr. Perrone reported that Resolution 02-2015 accepts the dedication of Langberg Lane (Gwynedd Meadows Development) from David Erb Contractors, Inc. He reminded the Board that Langberg Lane is off of Swedesford Road. Mr. Lapinski added this Resolution along with a legal description will officially put Langberg Lane on the books for liquid fuels.

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

Mr. Perrone reported that Merck continues to have weather related problems relative to the work on Building 38 (B38). Therefore, they are requesting a second amendment to the original approval on October 27, 2014, for a Waiver from Chapter 113-1 for afterhours crane work on B38 due to bad weather conditions which prohibited the work from being done on the originally scheduled dates in November. This work will not be done any two weekends through February 22, 2015, with Notice to the Township the Friday preceding the work weekend so that the Police Department can be notified.

8. **Board of Appeals Vacancy:**

Mr. Perrone stated that the Township is still looking for a replacement for Ronald Borneman on the Board of Appeals (term expires 2016). He reported that he did telephone Ron's brother Tom to see if he is interested in filling the position, and he is waiting to hear back from him. He noted that Ron said he would stay on the Board if the Township cannot find anyone to replace him.

## ENGINEERING

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

- NPSD – Pennbrook Middle School Detention Basins

Mr. Benner reported that T&M has started preliminary work on the Middle School Detention Basins. He noted that he is waiting for clearances on the Survey Group. He stated they need three clearances: Child Abuse, State Police Background Check, and FBI Fingerprint. They are in the process of coordinating these with the School District. Mr. Santi questioned who exactly needs the clearances. Mr. Benner answered, "Every vendor and all workers." He explained, "If we go out for an hour or two, we can check in and out with the School. Anybody actually working out there for more than a few hours at a time will need to have all three clearances."

Police Chief Duffy concurred and stated the Police Department amended the soliciting Ordinance for the same clearances.

- West Point Streetscape

Mr. Benner stated in reference to the West Point Streetscape, PECO did sign off on the gas line location based on Mr. Troxel's work. He reported that the Project Manager met with the Reviewer from the Construction Management Group today, and a couple minor changes need to be made. He stated the cover sheet needs to be signed by the Township in preparation for another meeting at the end of the week. Hopefully, within the next two weeks the Plans, Specs, and Estimates (PSE) Plans will go in for construction letting by PennDOT and ECMS. He said he is coordinating this with Tim Stevenson.

Mrs. Edelmayer questions what kind of changes need to be made. Mr. Benner stated, "Within the last six months when we submitted the plan, there was a spec on the plan that said you had an option to either go with a hot or warm mix asphalt. Since that time, they put out a new strike-off letter that they will only accept a warm mix asphalt. So now you have to change the specification on the plan. This is the kind of stuff that goes on, and it is why this takes so long."

Mr. Perrone reminded Mr. Benner that the Township chose a specific light fixture a long time ago, and he wants to make sure that when the project goes to Bid PennDOT uses that fixture. Mr. Benner said that he would double check on this and report back to the Board.

- GIS Development

Mr. Benner reported in regard to the GIS Development, there was a meeting last week between the parties and it was agreed that they would pick out a small neighborhood and do a prototype of it so they can do a comparison of the existing system and a new system. He stated then they can evaluate them from a cost and use perspective as to whether the Township should make a change or stay with what is in place now.

## **FINANCE/PERSONNEL/ADMINISTRATION**

### **10. Kimberly A. Godshall:**

Mr. Perrone reported that Kimberly A. Godshall will be recognized for 20 years of service to the Township at next week's Public Meeting.

### **11. Hough Associates:**

Mr. Perrone stated the Hough Associates 2014, 2015, and 2016 PA DEP 904 Recycling Grant Application Agreement needs to be approved. He noted it is in the amount of \$5,000 per year, and it is the same price as last year. He stated this is the renewal of recycling services for residential recycling.

### **12. Deputy Tax Collector:**

Mr. Perrone reminded that the Township needs to appoint a Deputy Tax Collector. He stated that Mrs. Murray has done some research and she found out that most municipalities are using "An Appointment of Deputy Tax Collector" Form. He suggested that the Township memorialize the new position by Resolution and sign the Form.

Mr. Perrone reported that Mrs. Murray is proposing using Christina Murphy the Tax Collector from Hatfield Township, and she is bonded by the same bonding company as Mrs. Murray. Mr. Kroberger noted that she has filled in for Mrs. Murray in the past, and she has done a good job.

Attorney Onorato suggested getting a copy of both Mrs. Murray and Mrs. Murphy's Bonds. Mr. Kroberger suggested doing a Resolution to create the position and the Board agreed.

### **13. Designation of Township Library:**

Mr. Perrone questioned the Board as to whether or not they were ready to make a decision on designating the North Wales Library as the Township's Library. He reported that the issue of the Book Mobile stop has been clarified. He stated retirement communities fall under a different classification and the County is required to serve them. The Board was in agreement to move forward with the designation.

### **14. SB4 passed House and Senate:**

Mr. Perrone stated SB4 passed the House and Senate and according to an email he received from Amy Sturges from the PA Municipal League, the Bill amends the PA Constitution to allow the General Assembly to define which institutions are charities deserving of tax-exempt status. He noted that he has not had enough time to review this completely.

Attorney Onorato reported that his office pulled the Bill and its intent is to identify whether an entity is in fact a public charity. The case law was a religious camp and because the camp would sometimes rent its property "for profit" uses, its tax-exempt status was challenged. What the purely public charity Act is trying to do is allow the

legislature to better define what qualifies and what does not qualify as a public charity. Mr. Santi stated they can still come back and say it is a public charity.

Attorney Onorato answered, "Yes, what the Bill does is it leaves it to the legislature to decide what a public charity is for purposes of the tax-exemption for real estate taxes. This case narrowly defined what the charity was so the effect was it would be harder for some entities out there to maintain their charitable status."

Mr. Perrone, "So, the question is should we be for it or against it?"

Attorney Onorato, "from a taxing authority standpoint only, you should be for it."

There were still more questions on the meaning of the Bill.

Attorney Onorato explained, "The Bill allows the General Assembly by law to establish uniform standards and qualifications which shall be the criteria to determine qualifications as institutions of purely public charity assuming the General Assembly reverts to the relaxed standards in the institutions of purely public charity. This cases lawsuit made it more strict. The legislature is trying to give it back to the General Assembly (take it out of the Courts) to allow them to define what purely public charity is, and I believe to make is more broad to get it back to where it was. So, the questions is from a taxing authority the way it was made it easier for entities to qualify as a purely public charity and be exempt from real estate taxes. Under this case law, it's becoming more difficult. So as a taxing authority, would you prefer to leave it the way it was or the way this case has interpreted it to be?"

Mr. Perrone, "which theoretically could generate more tax money."

Attorney Onorato, "Right. In other words if the Courts follow this case, it will be harder for an entity to be a public charity."

Mr. Kroberger, "They are really not broadening it. They are really just saying they want a different decision maker."

Attorney Onorato, "Essentially, yes. The Courts have interpreted the statute that was written by the General Assembly and having interpreted it, they have now further defined what a public charity is and made it more difficult. The public charities are having a difficult time, so they want the legislature to change the law again to allow them to redefine it. Essentially, to override this Court case which can be done with a new statute and a new law taking into consideration what the Courts have said and that is what this is about. If you want it to go back to the way it was, you would be in opposition of the Senate Bill. If you think it is a good idea that public charities are limited and the Courts are correct in making it more difficult for public charities to get their tax exemption, then you would not be in favor of this Bill. You would let the law remain the way it is, and let the Courts continue to decide."

Mr. Kroberger, "Ok, ok, I am going to go back to this case. This case and what they are talking about was a legitimate non-profit organization."

Attorney Onorato, "Right."

Mr. Kroberger, "that just happened to here and there rent out some of their property to a "for profit" operation.

Attorney Onorato and Mrs. Edelmayer, "Right."

Mr. Kroberger, "They are still a non-profit organization."

Attorney Onorato, "Right."

Mr. Kroberger, "but now the Court is saying because you did that you are no longer a non-profit entity?"

Attorney Onorato, "as it interpreted the statute of a public charity."

Mr. Duffy, "How about a Fire Company?"

Attorney Onorato, "That is a good question."

Mr. Kroberger, "You've got it right there."

Attorney Onorato and Mr. Duffy, "It's the Fire Company."

Attorney Onorato, "Well, then you want the legislature to redefine what a public charity is."

Mr. Perrone stated then what action if any does the Township take on this issue. Mr. Santi stated they are asking us to oppose this amendment. Mr. Duffy clarified they want to keep it in the Courts.

Attorney Onorato asked, "Who is the entity that is asking for this?"

Mr. Perrone, "the League of Cities."

Attorney Onorato, "Because the way the law is now is better for the taxing authorities."

Mr. Perrone, "They are looking at it strictly from a municipality's point of view simply to generate a little more revenue."

Mr. Santi clarified, "to make sure they do not lose any revenue."

Mr. Perrone, "Right."

The Board was in agreement to oppose the Bill in order to protect the Fire Company.

Mr. Kroberger motioned to send a letter to oppose SB4. Seconded by Mr. Santi, this motion was approved. Attorney Onorato noted that Senator Greenleaf was a cosponsor on the Bill.

## **PUBLIC WORKS/PARKS/RECREATION**

### **15. GlennAnne Chabala:**

Mr. Perrone reported that GlennAnne Chabala is receiving the 2015 SHAPE American Eastern District Outstanding Professional Award so the Board will recognize her for this accomplishment at next week's Public Meeting.

### **16. Roadway Bids:**

Mr. Perrone reported the Board needs to authorize the annual preparation and advertising of the roadway materials and equipment Bids.

### **17. Public Works Dump Truck Purchase:**

Mr. Perrone stated that the Public Works Department is requesting approval to purchase their 2015 budgeted Dump Truck in the amount of \$180,000.

Mr. Perrone asked Mr. Brill if there was any reason why the vehicle purchases listed on this Agenda should not Proceed at this time. Mr. Brill answered, "No, not at all." Mr. Perrone noted then the Department Heads are just looking for a motion to proceed as they do with all capital purchases.

## PUBLIC SAFETY

### 18. Police Department 101.1 FM Holiday Hero's Award:

Police Chief Duffy stated that Scott Clark was the point of contact and the whole Department is being recognized by FM 101.1 for the Holiday Hero's Award. It includes a breakfast at the Township Building on Saturday, February 7, 2015, at 10:00 AM, and the Station is willing to accommodate 100 people. Mr. Santi noted that all the Township employees are invited.

### 19. SWAT Merger:

Police Chief Duffy reminded that he brought the SWAT Merger to the Boards attention about a year ago. He reported since then there has been extensive co-training with the teams. The co-training and preparation for the merger really came to fruition with the recent Bradley Stone tragedies because they all occurred in the North Penn SWAT areas, but they were supported at one point by every team in the County. He noted the work that they put in toward this merger has paid off already. Chief Duffy noted this is a benefit for every team involved. Mr. Santi questioned who they are merging with. Chief Duffy answered, "Central Montgomery, and the new team is called Montgomery County SWAT – Central Region. The Chiefs in the County are working on consolidating all the teams but over time. The Eastern teams are looking to merger next year." Mrs. Edelmayer questioned whether or not each Township has their own team. Chief Duffy answered, "No, there are about eight. Four independent and four regional. This is merging the two larger regional teams." He explained when he was the Police Chief in York County, he was also assigned by the District Attorney to be Commander of the York County Team, and it was one county-wide team. He noted this is something that will take a while to accomplish because it takes a great deal of training and time. Mr. Santi questioned who is the focal point of the new SWAT Team. Chief Duffy answered, "It is structured with one Chief who is designated as the Commander; however, there are Deputy Commanders who are well-qualified including one from the North Penn Team who is automatically moving into that position. They are the ones who come out and liaison with the Host Chief of the incident. The Host Chief is always the person in charge. The Team never comes in and takes over."

Mr. Perrone stated there was one question on the disposition of equipment and that was resolved. Chief Duffy reported it was with a few handguns and a rifle, and they are going to stay with people on the team. He noted there is an equipment issue with another municipality but not with Upper Gwynedd.

Mr. Perrone asked Attorney Onorato if he had reviewed the documents. Attorney Onorato stated the documents are fine. His only question was regarding property, and the Chief just answered that question.

#### A. Inter-Governmental Agreement

Mr. Perrone reported an Inter-Governmental Agreement To Dissolve the North Penn Area Tactical Response Team in order to join Montgomery County SWAT – Central Region needs to be approved at next week's Public Meeting. He asked Attorney Onorato if this Inter-Governmental Agreement needs to be supported by an Ordinance. Attorney Onorato answered it can be done by motion or Resolution. Chief Duffy noted that he is in agreement with Attorney Onorato because this is covered under the Police Jurisdiction Act. Mr. Santi questioned what was done when they formed the North Penn SWAT Team. Chief Duffy reported just a Resolution and dissolving the Resolution is part of the new Agreement.

Mrs. Edelmayer questioned besides the North Penn area what other areas are involved. Chief Duffy answered, "Montgomery, Lower Gwynedd, Plymouth, White Marsh, East and West Norriton, Upper Merion, and this allows us to spread the manpower out and have the officers trained the same amount of time but not active the same amount of time which is good."

Attorney Onorato pointed out the Inter-Governmental Agreement is being signed by all the municipalities to dissolve the North Penn Team, and the Township officials will execute this document.

**B. Mutual Aid Compact for Montgomery County SWAT Central Region Team**

Attorney Onorato noted the Mutual Aid Compact for Montgomery County SWAT Central Region Team Agreement is authorizing Upper Gwynedd to join the Team and the Board is authorizing Chief Duffy to execute the document on behalf of the Township.

**20. Police Department purchase of a 2014 Chevrolet Caprice:**

Mr. Perrone stated the Police Department is requesting approval to purchase their 2015 budgeted 2014 Chevrolet Caprice in the amount of \$29,285.00 through the Westmoreland Council of Governments Cooperative Purchasing Contract.

**21. Police Department purchase of a 2015 Chevy Tahoe:**

Mr. Perrone stated the Police Department is requesting approval to purchase their 2015 budgeted 2015 Chevy Tahoe in the amount of \$33,250.00 through the Westmoreland Council of Governments Cooperative Purchasing Contract.

**22. Upper Gwynedd 5 Miler Race:**

Mr. Perrone reported the 5 Miler race needs to be approved for May 17, 2015, at 8:00 AM starting and finishing in Parkside Place. Mr. Santi noted it goes through the Clover Crest development across Moyer Boulevard, down West Point Pike and back to the Township. Chief Duffy noted it is only on the shoulder of the road. Mr. Perrone clarified Notice will be given to the residents following the new procedure. Chief Duffy answered, "That is correct." Mr. Perrone questioned the sponsor of the group. Mr. Lapinski answered, "Scott Tutton." Mr. Duffy noted the benefitting charity has not been firmly established.

**23. Déjà vu Marathon:**

Mr. Perrone reported the Déjà vu Marathon needs to be approved for November 14, 2015, at 8:00 AM. He stated this race is a continuous series of loops on the one mile walking trail within Parkside Place, and it is a fund raising tool that benefits the Township's Parks and Recreation Programs.

**24. Fire Marshal's purchase of 2015 Sierra 2500 HD 4WD Truck:**

Mr. Perrone stated Jeff Tomczak the Township's Fire Marshal is requesting approval to purchase the 2015 budgeted 2015 Sierra 2500 HD 4WD Truck in the amount of \$29,108.00 from Penske GMC in Reading through the COSTARS Program.

Mr. Ziembra questioned the justification for such a heavy vehicle when the Township has always used a sedan in the past. Mr. Tomczak reported the discount was better on the 2500 than on the 1500, which made the 2500 \$3,000 cheaper than the 1500. Mrs. Edelmayer stated she is in support of the purchase because Mr. Tomczak has really expanded the Inspection Program. Mr. Perrone pointed out that Mr. Tomczak is also the Township's Emergency Management Coordinator, and this vehicle is going to be used for emergency situations where 4 wheel drive will be necessary. Mr. Kroberger agreed with Mr. Perrone that a 4 wheel drive vehicle is a good idea.

Mr. Perrone questioned Mr. Tomczak about the additional charges needed to outfit the truck. Mr. Tomczak stated the price of the truck itself is \$29,108. The cap that covers the bed of the truck painted and installed is \$1,075.00. The box that goes in the rear for tools and equipment is approximately \$1,219.99 for a total of \$31,402.99 leaving \$3,282.01 remaining for the warning package, transfer of radio equipment, and other miscellaneous items that are needed. Mr. Perrone asked what the actual total will be when it is complete. Mr. Tomczak answered, "\$34,685.00." Mr. Kroberger confirmed with Mr. Tomczak that he only uses the vehicle for Township business.

## WASTEWATER TREATMENT

25. **WWTP purchase of a 2015 Ford F-250 Pick-up Truck:**

Mr. Perrone stated the Wastewater Treatment Plant is requesting approval to purchase the 2015 budgeted 2015 Ford F-250 Pick-up Truck in the amount of \$34,319 from Fred Beans Ford in Doylestown through the COSTARS Program.

26. **Sludge Bid 2015-2017:**

Mr. Perrone stated the Wastewater Treatment Plant's 2015-2015 Sludge Bid needs to be authorized for preparation and advertising.

27. **Stonewood Contracting, LLC Application for Payment No 1:**

Mr. Perrone stated that Stonewood Contracting, LLC's Application for Payment No 1 in the amount of \$23,981.00 for work related to the Dickerson Road Storm Sewer Extension Project needs to be approved. He reported that the project is already done except for some grading work. However, he noted there will be a small invoice coming because they had to use some of the Allowance because they hit rock.

Mr. Perrone reported that he heard from the Contractor who will be installing the laterals today, and he will be getting started in the next week. He will be coming in for Building and Plumbing Permits and the Township will do the inspections. He also noted that one of the homeowners wants to pay all the fees upfront. The Township will bill the three homeowners and lien those who choose to pay the fees per the Agreement with the Township.

There being no further business for public discussion, the meeting was adjourned at 7:55 to Executive Session.

Respectfully submitted,

Krista M. Caracausa  
Recording Secretary

**Approved February 23, 2015**