

MINUTES OF PUBLIC MEETING

December 21, 2009

**1. CALL TO ORDER**

The December 21, 2009 Public Meeting of the Board of Commissioners was called to order at 7:30 P.M. by President of the Board, James A. Santi. The following individuals were in attendance:

James A. Santi	President
Eugene P. Ziemba	Vice President
Kenneth E. Kroberger	Commissioner
M. Clare Edelmayer	Commissioner
Thomas A. Duffy	Commissioner
John Katsaros	Czop/Specter, Inc.
Richard Watt, Esquire	Township Solicitor
David Duffy	Police Chief

**2. MOTION TO APPROVE THE MINUTES OF THE WORKSHOP MEETING HELD ON NOVEMBER 17, 2009.**

Mr. Santi noted that the Workshop Minutes had been received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Kroberger, seconded by Mr. Duffy, the Minutes of the November 17, 2009 Workshop Meeting were approved as presented,

**3. MOTION TO APPROVE THE MINUTES OF THE PUBLIC MEETING HELD ON NOVEMBER 23, 2009.**

Mr. Santi noted that the Minutes of the Public Meeting had been received with the Agenda packet. Hearing no questions or comments, upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Minutes of the November 23, 2009 Public Meeting were unanimously approved.

**4. MOTION TO APPROVE THE DEPARTMENTAL REPORTS FILED BY TOWNSHIP STAFF.**

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

Mr. Perrone commented on the efforts of the Public Works Department after the recent snow storm.

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

There were no comments.

**6. MOTION TO APPROVE THE 2010 HOLIDAY AND MEETING DATE SCHEDULE.**

Mr. Santi advised that the Board had reviewed the 2010 Holiday and Meeting Schedules and that the schedules had been properly advertised. Upon motion by Mrs. Edelmayer, seconded by Mr. Ziemba, the Board unanimously approved the 2010 Holiday and Meeting Schedules.

**7. MOTION TO APPROVE ORDINANCE 2009-08, AN ORDINANCE FIXING THE TAX RATE FOR THE YEAR 2010.**

Mr. Santi informed that the Board had been successful in maintaining the same tax rate that has been in effect for many years and that the proposed ordinance had been advertised as required. Mr. Kroberger thanked Township Staff and Board members for their hard work on the 2010 Budget. Upon motion by Mr. Kroberger, seconded by Mr. Duffy, the Board unanimously approved Ordinance 2009-08.

**8. MOTION TO APPROVE ORDINANCE 2009-9, AN ORDINANCE APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED DURING FISCAL YEAR 2010 FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT.**

Mr. Santi advised that Ordinance 2009-9 provided a breakdown of expenditures under the 2010 Budget and he provided information on the General Fund, Liquid Fuels Tax Fund, the UGTMA and the Township's Wastewater Fund. He also reported that the ordinance had been duly advertised. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved Ordinance 2009-09.

**9. MOTION TO APPROVE THE UPPER GWYNEDD FIRE DEPARTMENT'S 2010 BUDGET.**

Mr. Santi advised that the Township had received and reviewed the Upper Gwynedd Fire Department's 2010 Budget. Upon motion by Mr. Ziemba, seconded by Mr. Edelmayer, the Board unanimously approved the Fire Department's Budget as presented.

**10. MOTION TO APPROVE THE NOR-GWYN POOL COMMISSION'S 2010 BUDGET.**

Mr. Santi explained that the Township oversees and approves the Nor-Gwyn Pool Commission's budget each year. He noted that the Commission's 2010 Budget contained Total Income of \$239,650 and Total Expenses of \$258,525 (net deficit of \$18,875). Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved the 2010 Pool Commission Budget.

**11. MOTION TO APPROVE RESOLUTION 17-2009, A RESOLUTION CONFIRMING THAT MEMBER CONTRIBUTION TO THE POLICE PENSION PLAN WILL BE 4% FOR 2010.**

This matter was tabled until a later time.

**12. MOTION TO APPROVE RESOLUTION 18-2009, A RESOLUTION APPROVING AMENDMENTS TO THE CIVIL SERVICE RULES AND REGULATIONS AS APPROVED BY THE CIVIL SERVICE COMMISSION OF UPPER GWYNEDD TOWNSHIP.**

Mr. Ziemba advised that the Civil Service Commission had recently met and recommended to the Board of Commissioners that the Civil Service Rules and Regulations be amended with respect to the weighting of written and oral interview scores, polygraph examinations and medical and psychological testing. Upon his motion, seconded by Mrs. Edelmayer, the Board unanimously approved those changes.

**13. MOTION TO APPROVE MERCK & CO., INC.'S REQUEST FOR A ONE YEAR EXTENSION TO THE UPPER GWYNEDD SITE LAND DEVELOPMENT AGREEMENT. THE NEW AGREEMENT WILL EXPIRE ON DECEMBER 31, 2010.**

Mr. Kroberger advised that Merck & Co., Inc. had requested a one-year extension of the Development Agreement for its Upper Gwynedd Site, noting that there are still some outstanding issues that need to be resolved. Upon his motion, seconded by Mr. Duffy, the Board unanimously approved the extension. It was noted that the new Agreement will expire on December 31, 2010.

**14. MOTION TO APPROVE A TRAFFIC IMPROVEMENT AND REIMBURSEMENT AGREEMENT BETWEEN THE TOWNSHIP AND GENUARDI'S FAMILY MARKETS LP. THIS AGREEMENT RELATES TO GENUARDI'S CONTRIBUTION OF \$147,000 TOWARD THE TOWNSHIP'S PHASE 2 SUMNEYTOWN PIKE IMPROVEMENT PROJECT.**

Mr. Kroberger explained that this matter related to the Genuardi Family Market land development plan and roadway widening and utility pole relocation on Church Road . He indicated that Genuardis had received extensions with respect to the review period for its land development plan and relating to its appearance before the Zoning Hearing Board. Mr. Kroberger further explained that under this Agreement, Genuardi's had agreed to reimburse the Township \$147,000 for the Township's completion of the public improvements that would normally be required under Genuardi's land development project.

Upon motion by Mr. Kroberger, seconded by Mr. Duffy, the Board unanimously approved the Traffic Improvement and Reimbursement Agreement.

**15. MOTION TO ACCEPT THE NORTH WALES WATER AUTHORITY'S OFFER OF A SIXTY-DAY EXTENSION OF THE REVIEW PERIOD FOR ITS WASTEWATER TREATMENT FACILITY LAND DEVELOPMENT PLAN. THE NEW REVIEW PERIOD WOULD EXPIRE ON MARCH 3, 2010.**

Mr. Kroberger advised that the Township had received a letter from Robert Bender of the North Wales Water Authority offering a sixty-day extension of the review period for the Authority's plan for land development. Upon his motion, seconded by Mr. Ziemba, the Board unanimously accepted the offer of extension. The new review period will expire on March 3, 2010.

**16. MOTION TO APPROVE ORDINANCE 2009-10, AN ORDINANCE AMENDING THE PROVISIONS OF SECTIONS 15-29.12 AND 155-29.13 OF THE TOWNSHIP CODE TO INCREASE SEWER RENTAL RATES.**

Mrs. Edelmayer advised that Ordinance 2009-10 dealt with a \$40 per year increase in sanitary sewer rates and explained that the increase had been made necessary as a result of increased costs and additional DEP requirements. She further stated that the Township was losing money on its operating budget. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved Ordinance 2009-10.

**17. MOTION TO AUTHORIZE THE PREPARATION AND ADVERTISEMENT OF BID SPECIFICATIONS FOR THE TOWNSHIP'S PURCHASE OF FLOW METERS TO BE UTILIZED BY THE TOWNSHIP'S WASTEWATER TREATMENT DEPARTMENT.**

Mrs. Edelmayer advised that the Township desires to purchase six additional flow meters to be utilized for inflow and infiltration monitoring by the Wastewater Treatment Department. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously authorized the preparation and advertisement of bid specifications for the purchase.

**18. MOTION TO AWARD A BID IN THE AMOUNT OF \$73,318 TO ENVIRONDYNE FOR THE TOWNSHIP'S PURCHASE OF TWO REPLACEMENT CLARIFIER DRIVE UNITS FOR THE WASTEWATER TREATMENT FACILITY.**

Mrs. Edelmayer explained that the Township had initially intended to replace one clarifier drive until in 2009 and one in 2010, however, purchasing both at the same time would provide a cost savings. She informed that the Township had received two bids, with Environdyne being the low bidder at \$73,318 for the two units. Mrs. Edelmayer stated that the bid had been reviewed and recommended for award by the Township's environmental engineer. Upon her motion, seconded by Mr. Duffy, the Board awarded the bid to Environdyne.

**19. MOTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP AND GETTY PETROLEUM MARKETING, INC. THIS AGREEMENT RELATES TO THE ACQUISITION OF RIGHT-OF-WAY FOR THE TOWNSHIP'S PHASE 2 SUMNEYTOWN PIKE IMPROVEMENT PROJECT.**

Mr. Duffy explained that this matter related to the settlement of right-of-way at the Getty property at Sumneytown Pike and Church Road for the widening of Sumneytown Pike. In a recent Board of View Hearing, Getty was awarded an additional \$250,000, bringing the total cost of the right-of-way to \$579,000. Mr. Duffy reported that the Township had already paid \$329,000 to Getty. Upon his motion, seconded by Mr. Kroberger, the Board unanimously approved the Settlement Agreement.

**20. MOTION TO APPROVE ALLAN A. MYERS' APPLICATION FOR PAYMENT NO. 3 IN THE AMOUNT OF \$235,719.17 FOR WORK COMPLETED ON THE SUMNEYTOWN PIKE PHASE 2 PROJECT.**

Mr. Duffy advised that Allan A. Myers had submitted Application for Payment No. 3 in the amount of \$235,719.17 for work completed on the Sumneytown Pike widening project. He further noted that the project had recently been suspended for the winter months and would begin again toward the end of February. Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved the payment.

- 21. MOTION TO APPROVE ALLAN A. MYERS' CHANGE ORDER NO. 8 IN THE AMOUNT OF \$9,389.10 FOR THE ABANDONMENT OF FOUR MONITORING WELLS AND RELOCATION OF THREE MONITORING WELLS LOCATED WITHIN THE RIGHT-OF-WAY NEAR THE GENUARDI'S PARKING AREA.**

Mr. Duffy advised that Allan A. Myers had submitted Change Order No. 8 in the amount of \$9,389.10 relating to the abandonment and/or relocation of seven monitoring wells located within the right-of-way near Genuardis. Mr. Perrone clarified that, although the Board needed to take action on this matter, there was still investigation that needed to be done in order to determine whether the proposed monitoring well work can be done. Mr. Perrone also informed that these monitoring wells were related to the Super Fund 7 issue. Upon motion by Mr. Duffy, seconded by Mr. Kroberger, the Board unanimously approved Change Order No. 8 as discussed.

- 22. MOTION TO APPROVE ALLAN A. MYERS' CHANGE ORDER NO. 9 IN THE AMOUNT OF \$16,115.77 FOR THE DEMOLITION AND RELOCATION OF AN EXISTING SANITARY SEWER CLEAN-OUT AT BOSTON STYLE PIZZA, THE REMOVAL OF AN EXISTING HYDRANT AT CHURCH ROAD AND ADDITIONAL TIE-INS OF AN EXISTING 4"DIP TO THE NEW WATER SYSTEM.**

Mr. Duffy explained that Allan A. Myers had also submitted Change Order No. 9 in the amount of \$16,115.77 which included three items, noting that the cost of two of the three items would most likely be reimbursed by the North Wales Water Authority. Upon motion by Mr. Duffy, seconded by Mr. Ziemba, the Board unanimously approved Change Order No. 9.

**OTHER BUSINESS**

- 23. APPROVAL OF THE DECEMBER 2009 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 Mr. Ziemba, the General Fund bills for December were approved. Mrs. Edelmayer abstained from approving the Zoning Solicitor's bill.

Mr. Santi 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 Mrs. Edelmayer, seconded by Mr. Ziemba, 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. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved these invoices as well.

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

**Public Meeting**

**December 21, 2009**

**24. CALL FOR ADJOURNMENT TO EXECUTIVE.**

Mr. Perrone announced that the Board had held an Executive Session on December 8<sup>th</sup> concerning health benefits for the Township employees.

There being no further business, upon motion by Mr. Ziemba, seconded by Mr. Kroberger, the meeting was adjourned to Executive Session at 8:00PM.

Respectfully submitted,

Charles J. Testa  
Secretary

/sac

**Approved January 25, 2010**