

MINUTES OF PUBLIC MEETING

May 24, 2010

1. CALL TO ORDER

The May 26, 2010 Public Meeting of the Board of Commissioners was called to order at 7:30 P.M. by President of the Board, Kenneth E. Kroberger. The following individuals were in attendance:

Kenneth E. Kroberger	President
M. Clare Edelmayer	Vice President
Thomas A. Duffy	Commissioner
Leonard T. Perrone	Township Manager
Sally Slook	Assistant Manager
Robert J. Kerns	Township Solicitor
David Brill	Finance Director

2. MOTION TO APPROVE THE MINUTES OF THE WORKSHOP MEETING HELD ON APRIL 20, 2010.

Mr. Kroberger noted that the Workshop Minutes had been received with the Agenda packet. Hearing no questions or comments, upon motion of Mr. Edelmayer, seconded by Mr. Duffy, the Minutes of the April 20, 2010 Workshop Meeting were approved as presented.

3. MOTION TO APPROVE THE MINUTES OF THE PUBLIC MEETING HELD ON APRIL 26, 2010.

Mr. Kroberger 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 April 26, 2010 Public Meeting were unanimously approved.

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

Mr. Kroberger informed that the Departmental Reports had been sent with the Agenda and asked for comments or questions. Mrs. Edelmayer had one question concerning the Public Works Department Report, specifically concerning hours spent for Nor-Gwyn Baseball. Mr. Perrone clarified that the Township had provided the labor to complete an item that had been bid as an alternate on the Nor-Gwyn Baseball project. Hearing no other questions or comments, upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Departmental Reports were approved as submitted.

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

Student, Sierra Simon, 690 Eagle Lane, was present to observe the meeting for a school project. There were no questions or comments.

6. MOTION TO APPROVE ALLAN A. MYERS' APPLICATION FOR PAYMENT NO. 8 IN THE AMOUNT OF \$896,037.46 FOR WORK COMPLETED ON THE SUMNEYTOWN PIKE PHASE 2 PROJECT.

Mrs. Edelmayer reported that Allan Myers had submitted Application for Payment No. 8 in the amount of \$896,037.46 for work completed on Phase 2 of the Sumneytown Pike Project. Mr. Perrone added that the application had been reviewed and recommended for approval by both T&M Associates and the TIP Committee. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved the payment to Allan Myers.

7. MOTION TO APPROVE ALLAN A. MYERS' CHANGE ORDER NO. 16 IN THE AMOUNT OF \$89,762.10. THIS CHANGE ORDER RELATES TO THE COORDINATION AND RE-DESIGN OF GENUARDI'S LAND DEVELOPMENT IMPROVEMENTS INTO THE SUMNEYTOWN PIKE PHASE II PROJECT.

Mrs. Edelmayer explained that Allan Myers' Change Order No. 16 in the amount of \$89,762.10 dealt with work related to the improvements associated with Genuardi's land development and for which Genuardi's was paying through a Reimbursement Agreement with the Township. Again, this item had been reviewed and recommended for approval by T&M Associates and the TIP Committee. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board approved payment of the change order.

Mr. Perrone clarified that this matter related to the public improvements that Genuardi's would construct as part of its land development if the Township was not doing the Sumneytown Pike Project. Upper Gwynedd is including those improvements in its project and Genuardi's will pay for them.

8. MOTION TO APPROVE T & M ASSOCIATES APPLICATION FOR PAYMENT IN THE AMOUNT OF \$37,753.70 FOR CONSTRUCTION INSPECTION AND ADMINISTRATIVE SERVICES RELATED TO PHASE 2 OF THE SUMNEYTOWN PIKE PROJECT.

Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved T&M Associates' Application for Payment in the amount of \$37,753.70 for construction inspection and administrative services related to the Sumneytown Pike Project.

9. MOTION TO APPROVE HORGAN BROTHERS, INC.'S APPLICATION FOR PAYMENT NO. 1 IN THE AMOUNT OF \$71,333 FOR WORK COMPLETED ON THE NOR-GWYN BASEBALL FACILITY.

Mrs. Edelmayer advised that Horgan Brothers, Inc. had submitted Application for Payment No. 1 in the amount of \$71,333 for work completed to make the Nor-Gwyn Baseball facility ADA accessible. She further explained that a grant from Montgomery County had been secured to pay for the improvements and Horgan Brothers had received the bid to do the work. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board unanimously approved the payment to Horgan Brothers.

10. MOTION TO APPROVE HORGAN BROTHERS, INC.'S APPLICATION FOR PAYMENT NO. 2 IN THE AMOUNT OF \$15,925 FOR WORK COMPLETED ON THE NOR-GWYN BASEBALL FACILITY.

Mrs. Edelmayer explained that work had progressed so well on the Nor-Gwyn Baseball project that Horgan had submitted two bills for the month of May. She provided a brief update indicating that the paving had been completed and striping was being done. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board approved the payment to Horgan Brothers.

Mr. Kroberger reminded that a ribbon cutting for the updated facility was scheduled for June 14th.

11. MOTION TO APPROVE HORGAN BROTHERS, INC.'S CHANGE ORDER NO. 1 IN THE AMOUNT OF \$700 FOR WATER AND SANITARY SEWER LINES IN THE ELECTRICAL ROOM AT THE NOR-GWYN BASEBALL FACILITY.

Mrs. Edelmayer advised that Horgan Brothers had submitted Change Order No. 1 in the amount of \$700 for roughing in water and sewer lines for future use. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, the Board approved the change order.

12. MOTION TO GRANT FINAL APPROVAL OF THE CARACAUSA SUBDIVISION AT 445 WEST PROSPECT AVENUE, WITH CONDITIONS.

Mr. Kroberger advised that David Caracausa's subdivision of 445 West Prospect Avenue was ready for final approval. The Board was informed that the parcel was comprised of 3 ½ acres currently zoned R-2. Mr. Caracausa has proposed a two-lot subdivision. The lots more than exceed the minimum requirements under the R-2 zoning district.

It was noted that the plan will include a restrictive covenant for a seventy-foot set back, as opposed to the required fifty feet. Further, a covenant on the plan will require that trees in the first fifty feet of frontage be preserved. Neither lot can be further subdivided. It was noted that Mr. Caracausa was asking for waivers with respect to road widening, curbing and sidewalk to keep in conformance with current conditions on West Prospect Avenue.

Mr. Kroberger advised that the plan had been before both the County and Township Planning Commissions and had been recommended for approval by both entities. He further reported that there were no zoning issues and that all engineering comments had been addressed.

Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, Mr. Caracausa's request for a waiver from Section 168-20D(2) with regard to road widening along West Prospect Avenue was approved.

Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, Mr. Caracausa's request for a waiver from Section 168-22A with regard to curb installation along West Prospect Avenue was approved.

Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, Mr. Caracausa's request for a waiver from Section 168-23A with regard to sidewalk installation along West Prospect Avenue was approved.

Upon motion by Mr. Kroberger, seconded by Mr. Duffy, the Board unanimously approved Mr. Caracausa's plan for subdivision of 445 West Prospect Avenue, conditioned upon the following:

1. That final linens and papers be submitted to the Township for signature and recording at the County Court House. There shall be two (2) linens and six (6) papers submitted. This is per Section 168-13M of the Township Code.
2. That Final Plan Fees be paid to the Township in the amount of \$ 100.00, per Section 168-55 of the Township Code.
3. That water service be provided by the North Wales Water Authority or the North Penn Water Authority and signed agreements be submitted to the Township, per the following sections of the Township Code: 168-27 and 168-48C.
4. That sanitary sewer permits be approved by the Upper Gwynedd Township Sewer Department before the issuance of building permits. This is per Sections 168-26 and 168-48B of the Township Code.
5. That all driveways shall be at least six feet (6") from the property line, per Section 168-21"O" of the Township Code.
6. That a lamppost will be provided at each home between the front door and the driveway, or wherever else designated by the Board, per the following sections of the Township Code: 168-48G and 168-31.
7. That an erosion and sedimentation plan and a grading plan for each lot be provided for approval by the Township Engineer prior to the issuance of building permits
8. That an NPDES Permit be obtained if the combined area of disturbance for both lots exceeds one (1) acre.
9. That a Restrictive Covenant be prepared to the satisfaction of th Township's Solicitor relative to the 70' setback and the retention of trees within the first 50' of the lot. This Restrictive Covenant will be recorded with the deed for each lot.

13. MOTION TO AUTHORIZE THE PREPARATION AND ADVERTISEMENT OF AN AMENDMENT OF CHAPTER 195 OF THE TOWNSHIP CODE TO CHANGE THE ZONING CLASSIFICATION OF 4.60 ACRES OF LAND LOCATED ON SUMNEYTOWN PIKE FROM R-2 RESIDENTIAL TO R-3 RESIDENTIAL.

Mr. Kroberger advised that the Township had been asked to consider an amendment of Chapter 195 of the Township Code to change the zoning classification of a parcel of land on Sumneytown Pike from R-2 Residential to R-3 Residential. He further noted that two parcels were being combined in order to comply with the five acre minimum requirement of the R-3 zoning classification.

Upon motion by Mr. Kroberger, seconded by Mr. Duffy, the Board authorized the preparation and advertisement of an ordinance to affect the change.

14. **MOTION TO APPROVE J. F. SHEA CONSTRUCTION, INC.'S REQUEST FOR A WAIVER FROM SECTION 113.1 OF THE TOWNSHIP CODE TO UTILIZE HEAVY EQUIPMENT PERFORM WORK ON THE MORRIS ROAD TURNPIKE BRIDGE AFTER NORMAL CONSTRUCTION HOURS.**

Mr. Kroberger advised that J.F. Shea Construction, Inc. was the contractor working for the Turnpike Commission on the reconstruction of the Morris Road Bridge. He advised that although the contractor has already the work for which it requested the waiver, the Board wished to make the waiver administratively official. He added that any future after hours work would need an additional waiver. Upon motion by Mr. Kroberger, seconded by Mrs. Edelmayer, the Board approved J.F. Shea Construction's request for a waiver from Section 113.1 of the Township Code.

15. **MOTION TO APPROVE BSI ELECTRICAL CONTRACTORS' APPLICATION FOR PAYMENT NO. 3 IN THE AMOUNT OF \$19,000 FOR WORK COMPLETED ON THE DISSOLVED OXYGEN SYSTEM AT THE TOWNSHIP'S WASTEWATER TREATMENT FACILITY.**

Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved BSI Electrical Contractors' Application for Payment No. 3 in the amount of \$19,000 for electrical work performed on the construction of a Dissolved Oxygen system at the Wastewater Treatment Plant.

16. **MOTION TO APPROVE EASTERN ENVIRONMENTAL'S APPLICATION FOR PAYMENT NO. 6 IN THE AMOUNT OF \$94,965 FOR WORK COMPLETED ON THE DISSOLVED OXYGEN SYSTEM AT THE TOWNSHIP'S WASTEWATER TREATMENT FACILITY.**

Mr. Duffy advised this matter also related to the Dissolved Oxygen system and was for the mechanical work performed by Eastern Environmental on the project. Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved payment to Eastern in the amount of \$94,965.

17. **MOTION TO APPROVE A LETTER OF INTENT TO BE EXECUTED BY UPPER GWYNEDD TOWNSHIP AND THE NORTH WALES WATER AUTHORITY WITH RESPECT TO BOTH COMMUNITIES EXPRESSING THEIR INTENTION TO AMEND THEIR ACT 537 PLANS IN ORDER TO ACCOMPLISH THE INTER-CONNECTION OF THE NORTH WALES WATER AUTHORITY'S WASTEWATER TREATMENT FACILITY WITH THE TOWNSHIP'S WASTEWATER TREATMENT FACILITY.**

Mr. Duffy informed that the Township had been working with the North Wales Water Authority on a project that would interconnect the NWWA's Wastewater Treatment Plant with the Township's Wastewater Facility. As part of the interconnection process, both entities need to amend their 537 Plans and he explained that the Board needed to authorize a Letter of Intent to be executed by both the Township and the NWWA and forwarded to the PA Department of Environmental Protection. Upon his motion, seconded by Mrs. Edelmayer, the Board unanimously approved the Letter of Intent.

18. MOTION TO APPROVE RESOLUTION 10-2010, A RESOLUTION AUTHORIZING PROPER OFFICERS TO EXECUTE DOCUMENTS RELATED TO THE TOWNSHIP'S 2010 AMENDED APPLICATION FOR AN H2O GRANT FROM THE COMMONWEALTH FINANCE AUTHORITY.

Mr. Duffy advised that the Township was attempting to secure \$2,400,000 in H2O funding for the proposed wastewater system interconnect matter and that Resolution 08-2010 needed to be approved in order to authorize Township officials to execute the grant application documents. Upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved Resolution 10-2010.

Mr. Duffy further commented that the H2O application was being submitted on behalf of both Upper Gwynedd Township and the North Wales Water Authority.

OTHER BUSINESS

19. APPROVAL OF THE MAY 2010 BILLS.

Mr. Kroberger noted that the Board had received a copy of the General Fund bills. Mr. Duffy inquired about invoices related to vehicle collisions and Deputy Chief Poirier explained that there had been two or three minor bumper repairs and some vehicle re-vamping due to paint deterioration. Hearing no further questions, upon motion by Mr. Duffy, seconded by Mrs. Edelmayer, the General Fund bills were approved. Mrs. Edelmayer abstained from approving the Zoning Solicitor's bill.

Mr. Kroberger advised that the Board had also received a listing of the bills from the Sewer Fund and asked for questions or comments. In response to a question from Mrs. Edelmayer concerning a sewer repair on Royal Avenue, Mr. Perrone informed he would find out and report back. Hearing no other questions, upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, 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. There was a question concerning a sewer repair that was related to I&I efforts in the Sugar Valley area, and a question related to the expenses related to the Industrial Development Authority audit. Upon motion by Mrs. Edelmayer, seconded by Mr. Duffy, 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. Duffy, seconded by Mrs. Edelmayer, the Board unanimously approved the pre-paid invoices.

20. CALL FOR ADJOURNMENT

There being no further business, upon motion by Mr. Duffy, seconded by Mr. Edelmayer, the meeting was adjourned to Executive Session at 8:15PM.

Respectfully submitted,

Charles J. Testa
Secretary

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Approved June 28, 2010