

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

BOC BUSINESS MEETING MINUTES

September 21, 2021

1. Call to order

The September 21, 2021, Public Meeting of the Upper Gwynedd Township Board of Commissioners was called to order by President of the Board, Liz K. McNaney at 7:00 PM. This meeting was recorded and visually taped.

2. Pledge of Allegiance

Resident Dan Wallace led the Pledge of Allegiance.

3. Roll Call

Roll call was taken by Deanna Logan, Administrative Assistant to the Township Manager. The individuals in attendance were:

Liz K. McNaney	President
Denise M. Hull	Vice-President
Martha A. Simelaro	Commissioner
Ruth S. Damsker	Commissioner
Sandra Brookley Zadell	Township Manager
Megan Weaver	Assistant Township Manager
Lauren Gallagher	Township Solicitor
Isaac Kessler	Township Engineer
David Duffy	Chief of Police
David Brill	Finance Director

Commissioner Katherine Carter and Zoning Officer Van Rieker were absent.

4. Announcement of Executive Sessions

Ms. Gallagher said the Board met in Executive Session before this meeting to discuss matters of potential litigation.

5. Public comments and concerns (limit of five minutes per individual)

Tom Martin (owner of Martin Tract) said the land the Township is contemplating taking has been in his family for (three) 3 generations. He and his brother support the Township's stance on open space and has already offered the Township twenty (20) acres of this land at no cost to the Township. Mr. Martin wants to build high end age restricted townhomes on the remaining twelve (12) acres. He reminded the Board that Whites Rd. Park is just 2 minutes away, offering recreational space. He asked, isn't free land with additional tax benefits a better, more responsible way to go? He added if you are going to condemn our land then you will be starting down a multi-year path of litigation to be paid by the taxpayers of Upper Gwynedd.

Peter Habeeb – 722 Park Rd., asked why we are looking to take this parcel off the tax rolls for another park which we already have plenty of as he sees no benefit from it and asked what is the purpose? Mrs. McNaney said this item is on the agenda and will be further discussed at that time.

David Kinion 1000 S. Broad Street said he has lived in the Martin Tract house for the last fifteen (15) years and has operated his business out of the house and will now be forced to move if the Township condemns the property and doesn't feel it is right.

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6. Public Hearing – Ordinance 2021-01

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2021-01, amending the code of Upper Gwynedd Township at Chapter 20 – “Human Relations Commission”

Mrs. McNaney suspended the regular meeting and opened the hearing. She then read the above purpose before turning to over to Ms. Gallagher.

Brief explanation by Lauren Gallagher, Township Solicitor

Ms. Gallagher entered the following exhibits into record. She stated this ordinance was done in conformity with the PA HRC code.

Exhibits:

T1: Ordinance 2021-01

T2: Proof of Publication of Legal Advertisement –August 25 and September 1, 2021

7. Request for public comment

There was no public comment

8. Close of Public Hearing

Mrs. McNaney closed the public hearing

9. Motion to approve Ordinance 2021-01, Human Relations Commission

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Simelaro, the motion to approve Ordinance 2021-01 was unanimously approved.

10. Public Hearing – Ordinance 2021-04

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2021-04, amending the code of Upper Gwynedd Township at Chapter 185 – “Vehicles and Traffic”, at Article III – “Parking Restrictions”, Section 21 – “Designation of Areas and Restrictions”.

Mrs. McNaney read the above purpose before turning it over to Ms. Gallagher.

Brief explanation by Lauren Gallagher, Township Solicitor

Ms. Gallagher entered the following exhibits into record. She stated this amends the parking restrictions to add a no blocking intersection sign at Oakland Place and Sumneytown Pike

Exhibits:

T1: Ordinance 2021-04

T2: Proof of Publication of Legal Advertisement – August 25 & September 1, 2021

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11. Request for public comment

There was no public comment

12. Close of Public Hearing

Mrs. McNaney closed the public hearing

13. Motion to approve Ordinance 2021-04, amending the code of Upper Gwynedd Township at Chapter 185 – "Vehicles and Traffic", at Article III – "Parking Restrictions", Section 21 – "Designation of Areas and Restrictions".

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion to approve Ordinance 2021-04 was unanimously approved.

Liz K. McNaney, PRESIDENT
Finance/Personnel/Administration

14. MMO Presentation (Dave Brill)

As reported by Dave Brill, Finance Director

The Minimum Municipal Obligation (MMO) covers the Police Pension Plan and Non-Uniform Pension Plan. Assumptions are based on calculations from our actuary. The 2022 Police Pension Plan MMO is \$675,473 which reflects an increase of \$22,467. The Non-Uniform Pension Plan MMO is \$224,925 which reflects an increase of \$13,250. The MMO for 2022 will be partially paid by state aid with a net cost to the Township of \$536,035.

15. Emergency Management Report on Tropical Storm Ida (Sandra Zadell)

As reported by Sandra Zadell, Township Manager

Mrs. Zadell said the following is what occurred during Tropical Storm Ida.

- Police & Fire responded to over 20 requests for service in 12 hours
- Fire Department Swift water rescue team responded to 11 water rescues and rescued 12 victims
- UGT Emergency Management has collected the initial damage reports to relay this to the county for FEMA relief
- Public Works closed roads, placed barriers and created detour routes
- Parks department responded to calls after the storm for clean up of down trees in open space areas
- WWTP was protected by the newly built berm at Haines Run which held back 10' of water from flooding the WWTP
- Administration responded to 38 calls after the storm regarding property flooding, property damage, wastewater surcharge and basin reports
- Staff and elected officials met on site with neighbors in areas with challenges and are working on solutions

Mrs. McNaney said it was a team effort and thanked everyone for keeping residents safe.

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16. Motion to approve Consent Items A-J (via roll call vote)
- A. Staff Department Reports
 - B. Public Meeting Minutes of August 9, 2021
 - C. Public Meeting Minutes of August 17, 2021
 - D. Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended work hours to complete the exterior yard package for Building 60A Modular Facility Addition. Sundays beginning September 26 – November 28, 2021
 - E. Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended work hours to perform crane lifts for Buildings WP50 Utility Rack and WP54 Chiller Addition. Sundays beginning October 3 – October 17, 2021
 - F. Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended work hours to construct a crane from 4 pm – 1 am, Monday – Sunday, October – December 2021, and to operate a crane from 4 pm – 12 am Monday – Saturday from October – December 2021 to support the WP45 Complex Projects.
 - G. Authorization of the Township to release the maintenance bond to Gwyn, LLC for the Preserve at Gwynedd/Samantha Court Land Development Project in the amount of \$54,030.43.
 - H. Approval of Escrow Release #7 for the Enclave at Maple Green in the amount of \$53,745.25
 - I. Payment #3 to Allan Myers for the 2021 Roads Program in the amount of \$414,136.36
 - J. Payment #21 to PACT One for the Force Main & Pump Stations in the amount of \$30,566.29

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Damsker, the motion to approve the Consent Items was approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

17. Motion to approve the County Snow & Ice Contract (via roll call vote)

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion to approve the County Snow & Ice Contract was unanimously approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

18. Announcement of Budget Work Sessions

- October 14, 1 pm
- October 21, 1 pm
- October 28, 1 pm

Mrs. Zadell said there is an Open House meeting about the Liberty Bell Trail (LBT) on October 7, 2021 at 6:30 pm and encouraged residents to attend. She and consultants will also be present at Fall Fest on October 16th to discuss the LBT to get resident's feedback.

*The Board of Commissioners recessed at 7:29 pm for Executive Session. The meeting was resumed at 7:40 pm

Ms. Gallagher announced that the Board met in Executive Session to discuss matters of potential litigation.

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Denise M. Hull, VICE PRESIDENT Zoning/Planning/Code Enforcement

19. Motion to approve Resolution 25-2021, authorizing the condemnation of portions of certain real property located at or near the northwest corner of Allentown Road and South Broad Street for the establishment of Public Recreational Space.

Mrs. Hull said the Comprehensive Plan which was recently adopted consisted of projects and goals for the Township over the next twenty (20) years. She said during the preparation of the Comprehensive Plan, the residents expressed an interest in having more recreational facilities. The Comp Plan Committee looked for areas that would be appropriate for recreational space. She said they found the Martin Tract II on Allentown Rd. and Broad Street to be ideal with 32.8 acres of land. She said the BOC wants to begin to the process of developing this land for a recreational facility for Upper Gwynedd.

Peter Habeeb, 722 Park Rd. said he agrees the Township could use more recreational space and wants to know why this piece of land was chosen and not upgrade some of the space we already have. This will eliminate the need to spend money and avoid lawsuits. He said there are numerous parks that are maintained but not upgraded.

Mrs. Hull said information was included in the link which includes a map of the proposed use. She said this is what the Comp Plan Committee came up with. Mrs. Hull added that there are plans to take care of existing parks as well. She encouraged him to review the plan and Comp Plan and to call Mrs. Zadell with any questions.

Mr. Habeeb asked do you know what the cost of this land is to which Mrs. Hull replied no. Mr. Abebe then asked how much we are going to lose in taxes. He is concerned that the Board doesn't know the cost and how much tax revenue will be lost. He heard that the parcel would cost \$5M with \$10M in reserves. Mrs. Hull said that is not true. She added we will be getting grants for this project and said we don't have an exact cost of the land because we are bound by appraisals. Mrs. Hull added we will be talking about that in the future and will be very transparent about it. She encouraged him to talk to the Township Manager to get additional information. Mr. Habeeb said he doesn't think this is the best use of funds at this time.

Beth Miller 405 W. Prospect Ave. asked the nature of the communication between the Township and Mr. Martin.

Ms. Gallagher said there were several conversations with the Township and the Martins, many of them predate this Board. The Township and the Martins were far apart on property cost. The Township is bound by appraisals as far as how much can be paid for the property so there is not a lot of room for negotiation. There were more recent conversations with their counsel about dividing the property, but the Township was not interested in that as the plan uses the entire property.

Tom Martin, property owner, expressed that there has been zero transparency with this Board and added he was blindsided by the decision to condemn. He wrote to the Township on several occasions and said he received only one response from Mrs. Zadell that deferred him to the solicitor. He said he was willing to work with the Township but there was no compromise on their side.

David Valaro, 875 Clover Dr. said that Parkside Place is an underutilized space based on his observations at different times of the day. He also said there are other areas that are in close proximity to the Martin Tract that are also underutilized. Mr. Valaro said he understands the Township has money in reserves, but questions whether that money on should be spent on another recreational area when there are others in close proximity.

Fred Hencken, 802 Clover Dr. said the townhomes that Mr. Martin is proposing will be a beneficial tax base for the Township and School District. He added the township already has 850 acres of open space most of which was donated. He feels the Martin proposal is a perfect solution and should be further examined.

Dan Wallace, 848 Girard Ave., asked if the Board would consider tabling this resolution tonight for future discussion with Mr. Martin and the neighbors.

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Peter Habeeb, 722 Park Rd. asked why the Board didn't get input from Mr. Martin during the planning of the Comprehensive Plan? Mrs. Zadell said Mr. Martin submitted comment on the plan in his statement. Mr. Habeeb said the Board should meet with Mr. Martin and work out a plan instead of going through litigation.

Mrs. Zadell said there is a lot of speculation on how the property would be paid for and it is not entirely clear how we would pay for it until we talk to the County and DCNR for funding once we acquire the property. She said it will probably be a combination of grant funding, a loan and some reserve funds. She said the budget is online and encouraged to view it. Mrs. Zadell said in 2021 the reserve fund was approximately \$11M which is a very healthy reserve fund.

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Damsker, the motion to approve Resolution 25-2021 resulted in a tie of 2-2. Mrs. McNaney asked if Mr. Martin will come and talk to us soon about the property.

President McNaney	Nay
Vice President Hull	Aye
Commissioner Simelaro	Aye
Commissioner Damsker	Nay

This vote resulted in a tie which means the motion did not pass.

Katherine D. Carter **Public Safety**

20. Motion to approve of Resolution 31-2021, recognizing October 3 – October 9 as Fire Prevention Week

Mrs. McNaney encouraged residents to check social media and the UGFD website for activities that will be available that week.

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Simelaro, the motion to approve Resolution 31-2021 was unanimously approved.

21. Motion to approve the renewal agreement with upgraded equipment to Integrated Security Systems for the Access Control Panel and Panic System in the amount of \$12,190 (via roll call vote)

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Simelaro, the motion was unanimously approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

22. Motion to approve the Montco 2040 Program Implementation grant agreement between the County of Montgomery and Upper Gwynedd Township.

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Hull, the motion was unanimously approved.

Fred Hencken asked how much the grant is. Mrs. Zadell said the project cost is \$123,380 and the Township is responsible for 20% or \$24,686 of the cost of the project and the grant will cover the balance of \$98,694.

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Ruth S. Damsker **Public Works/Parks/Recreation**

23. Motion to approve Change Order #1 for the 2021 Roads Program reducing the contract amount by \$124,617.63. Total contract amount is now \$767,959.37

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Simelaro, the motion was unanimously approved.

24. Motion to approve the Advertisement of the Snow Plow Equipment Bid with Labor

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Simelaro, the motion was unanimously approved.

25. Motion to approve the Multimodal Transportation Fund grant reimbursement agreement for highway and bridge projects for the Sumneytown Pike Bridge Replacement.

Mrs. Zadell said this is the bridge over the Wissahickon Creek near Boston Pizza, but it is not the walking bridge. This grant is for \$1,617,000 which will be a huge savings for the Township.

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Hull, the motion was unanimously approved.

26. Motion to approve the Ride Ataxia Philadelphia Bike Race on Saturday, October 9, 2021

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Simelaro, the motion was unanimously approved.

Martha A. Simelaro **Wastewater Treatment**

27. Motion to approve the advertisement for DelPac 1525

Mrs. Simelaro said this chemical is added to wastewater to remove phosphorus.

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

28. Motion to approve the advertisement for Dense Soda Ash

Mrs. Simelaro said this chemical is added to wastewater to maintain nitrification,

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

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29. Motion to approve the Mill Run Sewer Dedication

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

30. Motion to approve the advertisement for Ordinance 2021-05, Pre-Treatment Regulations

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

31. Motion to approve the advertisement of the bid for the Painting of the Pipe Gallery at the WWTP

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

32. Motion to approve the purchase of the 2021 F 150 4x4 Super Crew Cab Style side 5.5' box 145" WB XLT for use by the WWTP Director (via roll call vote)

Mrs. Zadell commented that this vehicle is to replace the truck that was totaled in an accident that was of no fault of the Township.

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Hull, the motion was unanimously approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

33. Motion to approve Resolution 32-2021, the Emergency Repairs to the WWTP Bridge

This is to repair damage from the flooding at the WWTP.

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion was unanimously approved.

Other Business

34. Motion to approve the September 2021 Open Invoices (via roll call vote)

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Simelaro, the motion to approve the Open Invoices was approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

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35. Motion to approve the September 2021 Paid Invoices (via roll call vote)

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion to approve the Paid Invoices was approved.

Roll call vote:	President McNaney	Aye
	Vice President Hull	Aye
	Commissioner Simelaro	Aye
	Commissioner Damsker	Aye

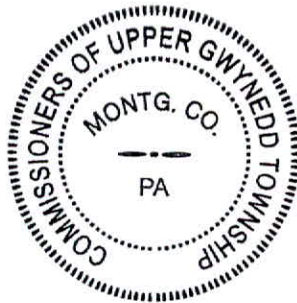
36. Call for Adjournment

Chief Duffy said the partnership between departments was brought to a new level upon the arrival of Mrs. Zadell and believes those partnerships are exceptional. The Police Department was privileged to have staff host an event to raise money for the K9 unit which involved the community also. He said it was humbling and greatly appreciated by the department. Mrs. Zadell said staff and residents brought their dogs for the walk and over \$1400 was raised for the K9 unit.

Chief Duffy announced there will be a contest for residents 17 years and under to create a K9 unit patch for the Police Department uniforms. The K9 unit is another way for the Police to engage with the community.

Beth Miller, 405 Prospect said a family in our community on Carmichael lost their home. Mrs. McNaney said the Township offered storage space for the family and a meal train has begun.

Mrs. McNaney adjourned the meeting at 8:42 pm



Respectfully Submitted,

Sandra Brookley Zadell
Secretary

Approved October 19, 2021

/djl