

# UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

## BOC BUSINESS MEETING MINUTES

October 19, 2021

This meeting will be held in person at the Township and will be live streamed on our website at [www.uppergwynedd.org](http://www.uppergwynedd.org)

1. Call to order

The October 19, 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

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
Katherine D. Carter	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
E. Van Rieker	Zoning Officer

4. Announcement of Executive Sessions

Ms. Gallagher said the Board met in Executive Session on October 19, 2021 to discuss matters of potential litigation.

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

Tom Martin, Martin Tract – Mr. Martin gave a history of his family and feels condemnation should be a last resort.

Frank Carney – lives in Lansdale and has fond memories of the home on the Martin Tract. He said the BOC is putting restrictions on the land and feels it is a violation of property rights. He said Mr. Martin should get a fair offering for the property.

Eric Moyer used to live in Martin house for 10 years and has many memories of the house.

Fred Hencken, 802 Clover Drive – asked if the Township has considered our rating if we draw down or sell a bond. He also asked if an analysis was done regarding any lost tax revenue if the property were developed under its current zoning. Mrs. McNaney said the BOC will respond to all comments once they are all made.

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Susan Lock – asked why the BOC needs the Martin Tract and why can't the BOC purchase the property instead of using condemnation.

Kathy Pearson – concerned about further development of that area and wants to know what is planned for the tract. She feels we have enough density and traffic in the Township.

G. Jonathan West, 328 Royal Ave, said he supports preserving open spaces and protecting natural resources. He added we need to focus on preserving what little open space is left in the Township and we should not permit high density townhomes especially if these proposals are not permitted under zoning codes. Mr. West stated this tract of land is perhaps our last resort to protect open space and natural land resources.

Glen Hatfield, 1468 Cathy's Lane – said everyone needs to work better together across party lines. Talked about misleading information regarding sidewalks.

Dennis Wendt, 886 Fulton Ave, Lansdale, said we should find a way to work out a solution for the Martin Tract.

Deborah Worstall, 395 Gosling Drive said her taxes have tripled and we can't afford any higher taxes. She added it would be nice to keep some more open space.

Neil Minnucci, 955 Allentown Rd. asked what good is open land? He commented that a park isn't going to make money for the township. He doesn't want the township to spend money on something that isn't going to benefit the residents

Greg Moll, 615 Gage Lane said there is no safe way to walk to the Township without sidewalks. He added a homeowner should be able to get fair market value for his property and said he is for open space. He said we are fortunate to have the Green Ribbon Trail go through our Township, and it gets plenty of use. Mr. Moll spoke about Right to Know requests and said the Township works hard to complete the requests, but it is almost impossible without the extension of time.

Linda Smith, 815 McIntosh Way, said she feels that what has been done to Mr. Martin is wrong and asked the BOC to consider his family.

Karen Cinelli, 34 Elbow Lane, backs Mr. Martin and said condemnation is an egregious misuse of the Township's authority. She added there should be a compromise with the Martins.

Dennis Cinelli – 34 Elbow Ln. spoke out in opposition of the development of the Martin Tract. He said he has a petition that 90 people signed.

Michelle Rupp, 722 Park Rd., said the Township doesn't have statistics supporting the purchase of the K9 unit. She asked if it is possible to only purchase one K9 and stated that Fury has a transitional vertebra. She said dogs with transitional vertebrae typically work until 5 years of age instead of 8 – 9 years. She asked if the contracted Vet has a trained professional to care for this dog. Mrs. Rupp said she saw Fury at Fall Fest and said the dog is lame. Mrs. Zadell said Fury is being seen on a daily basis by Penn Vet and commented that UGT would not put a lame dog on the street.

Mrs. McNaney said the Comp Plan is a planning document and is a vision for the Township. She said we will not be requiring anyone to install sidewalks except for new development. She said the Comp Plan was 3 years in the making and said we will not require anyone to install and maintain sidewalks. She reminded the residents that they have office hours on Wednesdays and can be contacted to discuss any issues with residents. She reminded residents that Mrs. Zadell is also available to answer any questions.

Mrs. Hull said we will continue to work with the Martin family for a compromise and the lines of communication are open. She said condemnation is a process and it involves a fair market value of the property. The FMV is \$2.9 M. She said Mr. Martin has discussed 120 high density townhomes. The 2005 Open Space Plan



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earmarked this property for Open Space. The 2040 Comp Plan identified the Martin Tract as a recreational space. She encouraged residents to talk to the BOC or Mrs. Zadell and she will be happy to talk to you.

Mrs. Zadell said the BOC has no plan to raise taxes in order to finance this acquisition. An exact plan is not in place, but if we were to move forward, we can use reserve money from developers open space fees, township reserve fund which UGT currently has \$13,525M in reserves and would not affect the Townships bond rating. We can also finance the property and there is a lot of space for the township to borrow additional monies. The Rainy Day fund is just as stable as ever before with a reserve balance of over \$13M. She added that Merck helps keep the Township finances strong. The Township recently rolled out a 5-year capital plan which the township had never done before. She said the plan includes \$25M in expenditures with no planned increase in taxes. Mrs. Zadell said the recent WWTP expansion ran \$17M with no increase in taxes.

Mrs. McNaney closed the Public Meeting and opened the Public Hearing.

### 6. Public Hearing – Ordinance 2021-05

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2021-05, amending the code of Upper Gwynedd Township at Chapter 155 – "Sewers," Section 71 – "General Sewer Requirements".

Brief explanation by Lauren Gallagher, Township Solicitor

Ms. Gallagher entered the following exhibits into record. The ordinance amends certain requirements of the pre-treatment standards for the sewage that is entering the system.

Exhibits:

T1: Ordinance 2021-05

T2: Proof of Publication of Legal Advertisement – October 7, 2021

### 7. Request for public comment

There was no public comment

### 8. Close of Public Hearing

Mrs. McNaney closed the public hearing.

### 9. Approval of Ordinance 2021-05, Pre-Treatment Regulations

Hearing no public questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Hull, the motion to approve Ordinance 2021-05 was unanimously approved.

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**Liz K. McNaney, PRESIDENT**  
**Finance/Personnel/Administration**

### 10. Motion to approve Consent Items A-I (via roll call vote)

A. Staff Department Report

B. Public Meeting Minutes of September 13, 2021

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- C. Public Meeting Minutes of September 21, 2021
- D. 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 November 7 – November 21, 2021
- E. Escrow Release #2 for West Prospect Avenue, Deluca in the amount of \$97,235.16
- F. Payment #3 to Blooming Glen Contractors for the Chemical Feed Replacement Project in the amount of \$48,979.41
- G. Payment #17 to Eastern Environmental Contractors for the WWTP Hydraulic Expansion Project in the amount of \$9,129.43
- H. Payment #10 to BSI for the Pump Stations Electrical Contract in the amount of \$61,860.00
- I. Payment #22 to PACT for the Force Main and Pump Stations in the amount of \$41,403.45

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

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

### 11. Motion to approve Resolution 33-2021, State Aid

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Simelaro, the motion to approve Resolution 33-2021 was unanimously approved.

### 12. Motion to approve Resolution 34-2021, authorizing the Finance Administrative Assistant access to the Berkheimer Tax information

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion to approve Resolution 34-2021 was unanimously approved.

### 13. Announcement of Budget Work Sessions

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

Mrs. McNaney said there is no proposed tax increase for 2022 and the public is welcome to attend the budget work sessions.

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

### 14. Motion to approve the Stormwater Best Management Practices Operations and Maintenance Agreement for 447 Amity Lane.

The applicant submitted a permit to construct an inground pool which required some stormwater remediation. This agreement regulates how the stormwater is to be maintained.

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



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### **Katherine D. Carter** **Public Safety**

15. Motion to approve the contract with Telford Veterinary Hospital for the care of K9s Gunner and Fury in the amount of \$2,161 per dog annually to be paid for by public donations.

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

Mrs. Carter said all the information regarding this is included in this packet if you click on the link in blue.

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

16. Carnival Thank you's

Mrs. Damsker said the carnival was very successful. She said it is very rewarding for the BOC to work with all of the sponsors of this event. She read the list of those businesses, volunteer groups and staff that helped with the Carnival.

Mrs. Carter said the commissioners raised over \$1000.00 selling ice cream sundaes and donated it to the K9 unit and Castle Park.

17. Motion to approve the Storage Tank Removal Bid to TTI Environmental Inc. in the amount of \$240,197.89

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

18. Motion to approve Resolution 36-2021, authorizing the Township Manager to execute the intergovernmental agreement between Upper Gwynedd Township and Lansdale for MS4 credits relating to the streambank restoration at White's Road Park

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**

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### Other Business

19. Motion to approve the October 2021 Open Invoices (via roll call vote)

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

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

20. Motion to approve the October 2021 Paid Invoices (via roll call vote)

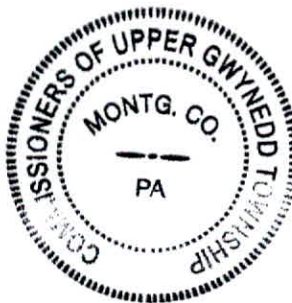
Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Carter, the motion to approve the Paid Invoices was approved.

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

21. Call for Adjournment

Mrs. Damsker said the meeting with Mr. Martin was much of him speaking and that he was heard at the meeting. She added that the meeting was not all the attorneys talking. Mrs. Damsker also said we are hearing both sides and are acting in good faith with Mr. Martin and will do this fairly.

Mrs. McNaney adjourned the meeting at 8:30 pm



Respectfully Submitted,

Sandra Brookley Zadell  
Secretary

**Approved November 16, 2021**

/djl