

# UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

## PUBLIC MEETING MINUTES

January 27, 2020

**Announcement:** There was an Executive Session on January 6, 2020 at 8:30 pm to discuss matters of litigation and an Executive Session on January 16, 2020 at 4:30 pm to discuss matters of litigation and personnel.

Mrs. McNaney and Ms. Gallagher announced the above two (2) executive sessions after roll call was taken.

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

#### 1. Call to order

The January 27, 2020, 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.

#### 2. Pledge of Allegiance

Rick Link (US Postal Service Inspector) led the Township 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
Russell Benner	Township Engineer
David W. Duffy	Chief of Police
E. Van Rieker	Zoning Officer
David Brill	Finance Director

#### 4. Recognition of Robert Hegedus for 20 years of service to the Township (unable to attend)

Mrs. McNaney said Mr. Hegedus began his career in the Public Works Department then he went to the Wastewater Treatment Plant. He was recently promoted to Collection System Coordinator and is doing an excellent job. Mr. Hegedus was thanked for his 20 years of service to the Township.

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5. Commendation of postal employees Dianne Milkewicz and Rick Link for the prevention of mail fraud against a Township resident

Chief Duffy and the Board of Commissioners commended postal employees Dianne Milkewicz and Rick Link who along with the Police Department prevented a Township resident from being a victim of mail fraud. Ms. Milkewicz and Mr. Link shook hands with the Commissioners as they offered their congratulations.

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

Mike Fellmeth – 112 Cardinal Way, commented that he likes the new format with public comment. He wants some more diversification with regards to the development of more restaurants and meeting spaces in the Township.

7. Motion to approve the Minutes of the Workshop Meeting held December 10, 2019

Mrs. McNaney said the Workshop Meeting Minutes were received with the Agenda packet. Hearing no public questions or comments, upon motion of Mrs. Damsker seconded by Mrs. Hull the Minutes of the December 10, 2019 Workshop Meeting were approved as presented.

8. Motion to approve the Minutes of the Public Meeting held December 16, 2019

Mrs. McNaney also noted that the Public Meeting Minutes were received with the Agenda packet. Hearing no public questions or comments, upon motion of Mrs. Simelaro seconded by Mrs. Carter the Minutes of the December 16, 2019 Public Meeting were approved as presented.

9. Motion to authorize Lauren Gallagher, Township Solicitor to sign on behalf of the Township, the assessment appeal stipulation agreement between North Penn School District and Willowyk Real Estate

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

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

10. Code Report

Mrs. Hull reported this update is for compliance issues in the Township.

11. Zoning/Planning report by E. Van Rieker

As reported by Zoning Officer Van Rieker

- ZHB #19-05 – Provco Remand - Started 6/25/19; continued to future date TBD  
This is still going through the litigation process
- ZHB #19-07, Provco Substantive challenge – testimony completed on October 8, 2019; Appellant's Findings of Fact due November 21, 2019; UGT and Merck have 30 days to respond. Final argument scheduled January 28, 2020  
Testimony was completed in October 2019; Findings of Fact were completed in November 2019. Final argument is scheduled for January 28, 2020.

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Ms. Gallagher responded with an update. The Substantive Challenge has been continued to a future date. It may require a special meeting.

- 229 Morris Road – Preliminary/Final 3 lot subdivision –  
This will be submitted as a 2-lot subdivision. Residents will be notified once the application has been filed.
- ZHB 19-16 – Vault Storage, 212 Church Rd. – appeal to permit U-Haul as secondary use –  
This was approved with conditions. The U-haul is to be used as an accessory use.
- ZHB 19-19 – 645 Jones Ave. – lot width and front yard variances –  
This was approved by the ZHB

Mrs. McNaney asked for any public questions; there were none.

### 12. Engineering Report by T&M Associates – Russ Benner / Monica Wall

As reported by Township Engineer, Russ Benner

- Sumneytown Pike Bridge Project  
This project was awarded to Bi-State Construction Company. Project construction is anticipated to begin in March. It will include; reinforcement to the undermining on the bridge, address scouring, and various concrete repairs will be completed. This project is expected to extend the life of the bridge for an estimated additional 15 years. A 45 – 60-day construction period with some lane closures is expected but detours are not expected to occur. The hours of construction will be 9 am – 3 pm. Mr. Benner said PennDOT inspects bridges every 2 years.
- 2020 Roads Program  
T&M is working with the Public Works Superintendent on the bid package. This should go out to bid in a week to get competitive pricing and get the work completed in a timely fashion. The project will include the design/construction of 18 handicap ramps as well as milling and overlay of the following roads; Wissahickon Ave., Dickerson Rd., Mill Rd., Whittaker Place, Eagle Ln., Eva Dr., Borman Ln., Conrad Ave., Pennsylvania Ave., Fairview and Highland Ave.

Mrs. McNaney asked for any public questions; there were none.

### 13. Motion to approve the Merck & Co. waiver request from Chapter 113-1 & 124-5 for afterhours crane work on West Point Building 69D Renovation Project; Sundays in February 2020

Mrs. Hull said these are back up dates to the already approved Saturdays and will be used on an as needed basis. No noise issues are anticipated.

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

### 14. Motion to approve Resolution 02-2020, Preliminary/Final Land Development for West Prospect Sub-Division (2 versions are included)

Presentation by Joe Blackburn of Wisler Pearlstein on behalf of the applicant, DeLuca Homes;

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Mr. Blackburn explained this is a 3.3-acre parcel of land located on the south side of West Prospect Avenue directly across from St. Rose of Lima church. The parcel is located in the R2 residential zoning district and is presently improved with a baseball diamond, wooded areas and wetlands. DeLuca Homes is under agreement with the Archdiocese of Philadelphia to purchase the land. The applicant is seeking preliminary/final land development approval to permit a 5-lot subdivision with public water and sewer and direct access onto West Prospect Avenue. The applicant is proposing substantial improvements to West Prospect Ave.; 6' widening of the road, installation of curbing and sidewalk, stormwater management facilities to accommodate the increase in impervious surfaces and a repaving of West Prospect Avenue along the frontage of the subdivision. Mr. Blackburn added, there have been recommendations of approval by the Planning Commission and the Plan Review Committee. The applicant is in receipt of the December 13, 2019 review letter by T&M Associates. The applicant is seeking one waiver and no dimensional or design waivers are requested. Included in the packet are two (2) draft approval resolutions with proposed stormwater improvements. The difference in the resolutions is one includes an HOA because of the shared stormwater basins and the other includes a unilateral declaration.

Mr. Blackburn explained the proposed stormwater improvements. Lot 1 has a stormwater lot in the northeast corner to accommodate the additional stormwater runoff generated by the road frontage improvements and a stormwater lot in the rear that is designed to accommodate the runoff from the home and the impervious coverage. He went on to say there is a shared stormwater detention basin between lots 2 and 3 that is designed to accommodate the stormwater runoff for lots 2 and 3 and a stormwater detention basin in the rear of lot 4 that is designed to capture the stormwater from lot 4 and some from lot 5. The applicant suggested a unilateral declaration which would set forth the maintenance and responsibility obligations for each of the lots and would provide the Township with easement and enforcement rights. An alternative position is to have a Homeowners Association (HOA) to effectively incorporate all the maintenance and upkeep obligations.

Mr. Benner, Township Engineer expressed the concerns of the stormwater management system. He said one of the concerns is an HOA vs a unilateral declaration. He said one the unique aspects of this development is that it contains smaller, decentralized stormwater management facilities as opposed to one large detention basin. The current stormwater is shared by the properties with different parts of runoff going to different stormwater facilities. The maintenance of the facilities is the concern and often homeowners don't know how to maintain the stormwater facilities even after instruction. Mr. Benner said the HOA will help facilitate the maintenance of the shared stormwater facilities. An HOA also protects the Township as you can go to the HOA and require them repair these facilities as needed. Mr. Benner said he is advising the Township that the HOA is necessary due to the uniqueness of the stormwater facilities. Mr. Benner then asked Mr. Brower to explain what the shaded areas on the plan show.

Adam Brower from EB Walsh, said the shaded areas address volume control. The basins are rate controlled. He added there wasn't good infiltration on these soils. Because of that, we used an alternate method which is amended soils to offset the volume. Amended soils is a blend of dirt, peat and sand to create a void in the dirt so the water can be absorbed better. Mrs. Hull asked if the proposed stormwater facilities will help any of the neighbors having stormwater issues. Mr. Brower said it should as there will be crowning in the road to help direct it to the gutter and into the stormwater facilities so it can trickle out.

Scott Curson – 510 S. Sumneytown Pike. He said Mr. Brower commented that the soil doesn't drain well. Mr. Curson said it does not drain at all; there is zero infiltration. He also said his parcel number is wrong on the plan and needs to be corrected. He is concerned with the water table rising and the system running continuously. Mr. Brower said this was a concern of Mr. Benner's and the Montgomery County Conservation District (MCCD). He explained the testing that was done. Mr. Brower said they dug 1' – 2' below the proposed systems and didn't encounter a water table. This was tested by soil scientists who study the colorations of the soil. He added there was zero or a very small rate of infiltration so amended soils will be used.

Mr. Curson reiterated his concern with the zero infiltration. He said he is counting on the engineer and Township to protect him and his property. Mr. Benner said Act 167 is the stormwater management plan adopted by the Township and developed by the County. This plan governs the design criteria and the National Pollution Discharge Elimination System (NPDES) permit requires the applicant to undergo a review process which addresses volume and infiltration and other things in order to get a permit prior to construction. Mr. Benner added that we review the designs based on that criteria and we will be inspecting the installation of the facilities during the construction process. If any issues arise or changes are needed, they will be addressed before proceeding. Mr. Benner stated the maintenance of the facilities is important to protect the residents. Mr. Curson

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said an engineer friend of his reviewed the plans and has concerns. His friend feels they are too close to the water table. Mr. Benner told Mr. Curson to have his friend call him to discuss. Mr. Curson suggested possible grading/berming. Mr. Blackburn said the area he is proposing for grading/berming is active wetlands. Mr. Curson said he is counting on being protected by his Township. He said he is in favor of the HOA and feels that he will be more protected to be assured that the stormwater facilities will be maintained.

Mrs. Hull said she appreciates Mr. Curson being a part of the process from the beginning and appreciates the developer meeting and working with the residents. She added that the Board is in favor of the HOA (Mrs. Hull, Mrs. Simelaro and Mrs. Damsker prefer the HOA). Mr. Blackburn said the developer is amenable to an HOA but would prefer the unilateral declaration. He added that the five (5) residents can do away with the HOA. He clarified that statement by saying legally the HOA can't be dissolved, but the residents can decide not to contribute to the HOA. The Township will still have the recourse for the maintenance of the stormwater facilities.

Colleen Carey, 205 W. Prospect Ave. wants to make a note of the current stormwater with cracks in the roads that were from North Wales paving the sidewalks with big, heavy trucks. She added that her basement has been dry for the past seven (7) years and is now having issues with water getting in her basement as well as water running down her driveway and ponding in her backyard.

Hearing no public questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Damsker, the motion was unanimously approved as Resolution 02-2020 with the HOA.

15. Motion to approve Resolution 03-2020 amending the resolution for preliminary/final land development plan approval for Merck Building 63 PVC Polysaccharide Facility (waiver of escrow)

Mrs. Hull explained that Land Development approval occurred in June 2019. The Resolution included provisions for an escrow, but historically the Township has waived escrows for Merck. She added, this is not a waiver of fees, just a waiver for escrow.

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

16. Motion to approve Resolution 04-2020, Merck & Co. request for waiver of Land Development plan requirements for B60A Addition

Mrs. Hull said this is for the addition of 15,000 square feet added on to an existing building that is 192,690 square feet. Phase 1 is the design and construction of the modular overseas and Phase 2 is the moving of the modular onto the site.

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

17. Motion to approve Resolution 05-2020, Merck & Co. request for waiver of Land Development requirements for Merck B51 Cold Storage Facility

Mrs. Hull said this is for the construction of a 34,150 square feet cold storage facility. The Township will receive all associated fees.

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



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### 18. Letter of Support – Green Stormwater Infrastructure (GSI)

Mrs. Zadel said the Pennsylvania Environmental Council (PEC) and the Wissahickon Valley Watershed Association (WVWA) contacted the Township regarding our participation in a grant application with the Pennsylvania Coastal Zone Management Grant Program for green stormwater infrastructure. They want to do a review of our Zoning Code that will not impact our budget at all. This is an effort to have more green policies in the future.

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

### 18A. Motion to appoint Mark Connelly to the Zoning Hearing Board.

Mrs. Hull reported that recently a Zoning Hearing Board member moved out of the Township which created a vacancy. Mark Connelly has a very varied background. He has studied languages, international studies, history, library and informational sciences as well as web development. Mr. Connelly has worked as a paralegal and programmer analyst and currently works at Portnoff Law Associates and has a lot of zoning hearing board information.

Mrs. Hull asked for questions from the Board; there were none. Mrs. McNaney asked for any public comments to which there was one.

Nancy Bednarik, Merck and Co. asked how having a background in tech services applies to being on the Zoning Hearing Board. Mrs. McNaney said we had a pool of resumes from the recent appointments to the Planning Commission and Zoning Hearing Board. Mr. Connelly went through the interview process and it was determined that he would be a good match for the ZHB. Mr. Connelly said he has worked as a paralegal and has a lot of experience in municipal annexation.

There being no further questions or comments, Mrs. Hull made a motion to appoint Mark Connelly to the ZHB by Resolution 06-2020 which was seconded by Mrs. Carter and unanimously approved.

## Katherine D. Carter Public Safety

### 19. Motion to approve the Access Control System/Panic System & Security Agreement with Integrated Security Systems

Mrs. Carter reported that this was researched by Deputy Chief Ted Caiola. He made the recommendation to contract with Integrated Security Systems for a total of \$74,390. They are a COSTARS vendor.

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

### 20. Motion to approve the purchase of a replacement police vehicle in the amount of \$38,743

Mrs. Carter said the Police fleet includes a total of 13 vehicles of which 9 are marked and 4 are unmarked. This vehicle is replacing a 2013 Chevy Tahoe with 180,000 miles. This vehicle was included in the 2020 budget.

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

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**Ruth S. Damsker**

### **Public Works/Parks/Recreation**

23. Motion to approve the hiring of a new full time Parks & Recreation Coordinator

Mrs. Damsker said this with move Angelina Capozzi from a part time position to a full-time position.

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

24. Motion to approve the hiring of two (2) new full time Parks & Recreation staff

Mrs. Damsker reported that Zachary Griffiths and Jeffrey Gold are currently part-time employees and will be hired as full-time employees.

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 hiring of a new summer part time Parks and Recreation intern

Mrs. Damsker said the summer intern will be hired to run the concerts and movies that are held during the summer months.

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

26. Motion to approve the hiring of a new Public Works employee

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

**Martha A. Simelaro**

### **Wastewater Treatment**

27. Motion to approve the purchase of 2 new replacement vehicles for the WWTP in the amount of \$73,250

Mrs. Simelaro said we presently have 2 vehicles at the WWTP that are experiencing a multitude of problems that are causing safety issues for staff. These replacement vehicles were included in the 2020 budget.

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

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28. Motion to approve payment #12 to Blooming Glen Contractors for the WWTP Hydraulic Expansion Project in the amount of \$189,670.63

Mrs. Simelaro said this is for the General Contractor for the WWTP Hydraulic Expansion Project. Ms. Gallagher explained that a roll call is necessary whenever the Commissioners are spending money.

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

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

29. Motion to approve payment #5 to Eastern Environmental Contractors for the WWTP Hydraulic Expansion Project (Electrical) in the amount of \$11,047.50

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

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

30. Motion to approve payment #2 to PACT One Construction for the Pump Station & Force Main Project in the amount of \$255,156.48

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

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

31. Flow Diversion Project: Update

Mrs. Zadell reported the contractor will be working on excavation at the intersection of Broad St. and Garfield Ave. then will proceed down Garfield Avenue. Once passed the intersection, Garfield Avenue will be closed during the hours of 7 am – 5 pm and traffic will be diverted to Park Rd. Local traffic will still be able to access their homes. Mrs. Zadell reminded residents that all work hours, traffic control and construction information is available on our website.

Mrs. Carter asked if this information has been communicated to Merck. Mrs. Zadell said we have communicated with Merck, the school district, the fire company, emergency services, etc. about the road conditions and project.



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Garfield Avenue will be closed approximately 3 – 4 weeks. Nancy Bednarik said Merck employees have been instructed to use the Broad St. entrance/exit with contractors using gate 7 entrance/exit. Chief Duffy reminded everyone that there are significant increased penalties for anyone committing a traffic offense in a construction zone. He also said there will be an increased police presence on Park Rd.

Mrs. McNaney said the contractor has been maintaining a clean area. We have received no complaints from the residents. Mrs. Zadell added, the contractor has been very communicative and responsive.

Mrs. Carter asked for clarification of the WIP Project location at Garfield Park. Mrs. Zadell said, the project travels along Garfield Avenue in Garfield Park. There is a second entrance to Garfield Park. This is part of Phase 1 of the project.

### Other Business

#### 32. Approval of the January 2020 bills

Mrs. McNaney noted that the Board had received a copy of the Open Invoices which include the general fund, sewer fund, VEBA, etc. The total of the open invoices is \$1,061,126.06

Hearing no public questions, upon motion by Mrs. Damsker, seconded by Mrs. Hull, the bills were approved.

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

Mrs. McNaney said that there were several invoices that had been prepaid due to timing. The total of the prepaid invoices is \$792,777.50

Hearing no public questions or comments, upon motion by Mrs. Simelaro seconded by Mrs. Damsker, the Board unanimously approved the pre-paid invoices.

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

#### 33. Call for Adjournment

Mrs. McNaney reminded everyone that the meetings now begin at 7 pm. She wished Vice President Hull a Happy Birthday.

Mrs. Hull said there are now memos included with each hyperlink that summarizes the information that is included in the packet. She thanked staff work for their hard work providing the background information and said it is a great addition to the packet.

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The January 27, 2020 meeting of the Board of Commissioners was adjourned at 8:47 pm.

Respectfully Submitted,



Sandra Brookley Zadell  
Township Manager

**Approved February 24, 2020**



/djl