

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

PUBLIC MEETING MINUTES

September 14, 2020

This meeting was held virtually due to the COVID-19 pandemic. The public was notified of the meeting via an ad in The Reporter as well as our website and other social media. The public was invited to participate by calling in or by submitting questions in advance.

1. Call to order

The September 14, 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. This meeting is being recorded and visually taped.

Mrs. McNaney reminded everyone that items on the agenda underlined in blue

2. Pledge of Allegiance

Mrs. McNaney 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
Katherine D. Carter	Commissioner
Ruth S. Damsker	Commissioner – entered the meeting at 7:10 pm
Sandra Brookley Zadell	Township Manager
Megan Weaver	Assistant Township Manager
Lauren Gallagher	Township Solicitor
Isaac Kessler	Township Engineer
David W. Duffy	Chief of Police
David Brill	Finance Director
E. Van Rieker	Zoning Officer

4. Announcement of Executive Sessions

Ms. Gallagher said the Board of Commissioners met in Executive Session on the following dates.

- August 10, 2020 to discuss matters of personnel
- August 26, 2020 to discuss matters of collective bargaining and potential litigation
- September 1, 2020 to discuss matters of personnel, collective bargaining and potential litigation

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

There were none

Mrs. McNaney suspended the Public Meeting and opened the first public hearing.

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6. [Public Hearing – Tesla Supercharger Station](#) – See Court Report

The purpose of this hearing is to hear comment pursuant to the consideration of an Application for Conditional Use Approval for the property located at 593 Dekalb Pike (Wawa #157), North Wales, Upper Gwynedd Township, Montgomery County, Pennsylvania. This application has been made by property owner, Wawa, Inc. for the purpose of constructing a charging station for electric vehicles, including charging posts and related equipment on the Property as required for the Tesla Supercharger Station at Wawa #157.

Brief explanation by Lauren Gallagher, Township Solicitor

Exhibits:

T1: [Application for Conditional Use](#)

T2: [Letter of Authorization](#)

T3: [Proof of Publication of Legal Advertisement – August 27 and September 2, 2020](#)

T4: [UGT Planning Commission Review Letter](#)

T5: [Verification of Posting Notice](#)

T6: [Plan Set](#)

T7: [Township Engineer Review Letter](#)

7. Request for public comment

Ms. Weaver said we received an email from Timothy Lucas of 52 Park Rd. Mr. Lucas is in favor of the Tesla Supercharger Station and requested a station at Parkside Place.

8. Motion to continue the Conditional Use Hearing to September 29, 2020

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

9. Motion to approve the Conditional Use Application

No motion was made as the matter was continued to September 29, 2020

10. Public Hearing – Ordinance 2020-06

The purpose of this hearing is to hear comment pursuant to Ordinance 2020-06, amending the Upper Gwynedd Township Code of Ordinances to create Chapter 20 – “Human Relations Commission,” providing for the creation of the Upper Gwynedd Township Human Relations Commission.

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

Brief explanation by Lauren Gallagher, Township Solicitor

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Ms. Gallagher said this ordinance creates Chapter 20, the Human Relations Commission. She entered into record the two (2) exhibits below. Ms. Gallagher added there were some minor changes to the ordinance which did not require it to be readvertised. She said the following sections were changed.

- Section 20-3 Definitions – Discrimination
- Section 20-3 Definitions – Gender Identity and expression
- Section 20-3 Definitions – Public Accommodation
- The Board composition changed from four (4) members to five (5) members.

This Commission will hear complaints within the Township to mediate issues that may arise.

Mrs. McNaney said this is a local concern group consisting of residents and business owners and the adoption of this Ordinance is important to this Board. She added, many of the surrounding municipalities have these boards.

Exhibits:

T1: [Ordinance 2020-06](#)

T2: [Proof of Publication of Legal Advertisement – September 1, 2020](#)

11. Request for public comment

There were none

12. Motion to close the Public Hearing

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

13. Motion to approve Ordinance 2020-06

Hearing no questions or comments, upon motion by Mrs. Damsker, seconded by Mrs. Carter, the motion to approve Ordinance 2020-06 was unanimously approved.

14. Public Hearing – Ordinance 2020-07

The purpose of this hearing is to hear comment pursuant to Ordinance 2020-07, amending the Upper Gwynedd Township Code of Ordinances at Chapter 63 – “Building Construction”, Section 63-3 – “Board of Appeals”.

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

Brief explanation by Lauren Gallagher, Township Solicitor

Ms. Gallagher said Upper Gwynedd Township (UGT) entered into an intergovernmental agreement with North Wales Borough (NWB) to share a Board of Appeals. This Board will consist of five (5) members – three (3) from UGT and two (2) from NWB. Our current three (3) members of the Board of Appeals will remain.

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Exhibits:

T1: [Ordinance 2020-07](#)

T2: [Proof of Publication of Legal Advertisement – September 1, 2020](#)

15. Request for public comment

There were none.

Mrs. Carter asked for additional explanation of the verbiage that is crossed out in the Ordinance. Mrs. Gallagher said this Ordinance gives the Township the ability to have a joint five (5) person Board of Appeals with North Wales Borough or to have a Township only five (5) person Board of Appeals. The Borough and Township both passed Resolutions forming this joint Board of Appeals.

16. Motion to close the Public Hearing

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

17. Motion to approve Ordinance 2020-07

Hearing no questions or comments, upon motion by Mrs. Hull, seconded by Mrs. Carter, the motion to approve Ordinance 2020-07 was approved with four aye votes. Mrs. Damsker was frozen and unable to participate in the vote.

Departmental Reports

18. Finance Update (Dave Brill)

As reported by Dave Brill, Finance Director

Mr. Brill provided an update to the forecast that was completed in April 2020. In April, revenue was predicted to have a shortfall of \$1.9 M. In April, Department Managers were directed by the Board and Township Manager to postpone budgeted operating and capital discretionary spending until further notice. As a result of that measure, revenue is now expected to be \$605,520 lower than budget (but half of what was forecasted in April).

Spending is expected to be \$1,025,062 lower than budget, but \$566,491 higher than the April forecast. COVID-19 was one of the contributing factors in the increase in spending. The surplus (deficit) for the year is now expected to be a surplus of \$515,461. Some items that were part of the 2020 budget will be continued to 2021.

- Fire Marshal \$84K – Full-time Fire Marshal
- Public Works \$655K – Staff additions, Township Wide Storm Sewer Plan, Road resurfacing with Ralumac
- Park & Recreation Activities \$154K – Various activities and programs that were cancelled or modified this year
- Park & Recreation Administration \$147K – Summer Temporary Staffing, War Memorial, Dump Truck Replacement
- Health Insurance \$49K – Savings with consolidation of insurance with Delaware Valley Insurance Trust

Mr. Brill added in closing that we are in better financial shape now and going into next year because the Board of Commissioners and Township Manager postponed discretionary spending in April. He said revenues since

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March are still down but are much better than expected and we had a few good news revenue events that were both unexpected and highly unlikely to reoccur.

Mrs. McNaney said Mr. Brill guided this process and had great input and thanked him for the update.

19. Planning and Zoning Report (E. Van Rieker)

As reported by Van Rieker, Zoning Officer

- ZHB 20-07 – WB Homes – use variance request to develop Jeppy Property, Sumneytown Pike for 24 apartment units.
The hearing was set for September 22, 2020 but now the applicant has requested an indefinite continuation of the application. Mr. Rieker recommends that item #24 be tabled until further notice.
- 593 Dekalb Pike, Conditional Use Hearing, Tesla Charging Stations
This is being heard by the BOC on September 14, 2020
- State Street, Roosevelt Court Conditional Use Hearing, 9-lot subdivision –
There will be a Conditional Use Hearing on September 29, 2020 for a 9-lot subdivision.
- Worcester ZHB 20-13, 2816 Morris Rd. Variance to continue landscaping business (opposite side of Morris Rd. Blue Fox Drive retention basin)
Worcester Township is taking a neutral position to their ZHB variance request.

20. Engineering Report (Isaac Kessler)

As reported by Isaac Kessler, Township Engineer

- MS4 Program
The Annual Report is to be submitted to DEP before the end of September. For the next permit cycle, we will be looking at outfall sampling and screening in progress this fall.
- Moyer Boulevard
Pipe work has been completed and pavement work is anticipated to be done this month. Some of the base is expected to be repaired as well as the surface.
- Haines Run/WWTP
Work is being done by a contractor to repair damage from Tropical Storm Isaias. We are generating the scope for long-term streambank improvements and additional flood protection for the WWTP. We are looking at possible grant funding for this project.

Liz K. McNaney, PRESIDENT
Finance/Personnel/Administration

21. Motion to approve the Department Reports filed by Township Staff.

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Mrs. McNaney said there were a lot of positive comments in the Police report with residents commenting that we should not defund the police. She added there are no plans to defund our police department.

Mrs. Carter thanked Ms. Prebis for all her hard work with all the Parks & Recreation activities. She said all the department reports were concise and well written. Mrs. Carter also thanked Mr. Kessler for putting addresses on his reports so she can easily find the properties. She added that she had a hard time following the EEMA reports.

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

22. Announcement: We will be hosting budget work sessions on:

Mrs. McNaney announced the following budget work sessions.

- Tuesday October 13, 2020 at 5 pm
- Thursday October 22, 2020 at 6 pm
- Thursday October 29, 2020 at 7 pm (if needed)

These special meetings will be held virtual and/or in person.

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

23. Motion to approve the Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended work hours on Gate 3 Utility Rack; Weekends of October 9-11 or October 16-18, 2020 (only one is needed)

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

24. Motion to have Solicitor Lauren Gallagher attend the ZHB meeting on September 22, 2020, ZHB #20-07, use variance request to develop Jeppy Property, Sumneytown Pike for 24 apartment units.

Mrs. Hull said this ZHB application has been indefinitely continued to a later date. She said WB Homes is anxious to make some efforts to compromise with residents regarding stormwater concerns and they may change from apartments to town homes.

Public Comments

AJ Cardamone of 1156 Canterbury Dr. has no further comment at this time since it has been continued. She thanked Mrs. Hull for her time and commitment to this project.

James McMullen of 1163 Canterbury Dr. appreciates the assistance from the Commissioners.

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Katherine D. Carter Public Safety

25. [Motion to ratify/approve the Emergency Declarations dated August 17, August 24, August 31, September 8, and September 14, 2020](#)

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

26. [Motion to approve the purchase of the Rosenbauer Rescue Engine \(Squad\) and Rosenbauer 78' Quint for a total of \\$1,616,527.00. COSTARS Contract # 013-112 \(via roll call vote\)](#)

Upper Gwynedd Fire Department (UGFD) president Greg Rosato and Fire Chief Eric Geiger were present.

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

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

Mrs. McNaney asked Chief Geiger and President Rosato to let the Board know when they will be meeting with the builders so we can hear how the process is going.

Mrs. McNaney said the UGFD is looking for volunteers and there is an article in the newsletter. She said our program is unique in that we have a stipend program which is reimbursement for food and mileage. Chief Geiger said the stipend program is a reimbursement for food and drink during shifts. The average response time for a fire department is 7 – 9 minutes. UGFD averages 45 secs to 1.5 minutes response time during a stipend shift so it makes a huge difference in responding to calls quickly. Chief Geiger said he is in appreciation of the Board of Commissioners, the Township Manager and Finance Director for the stipend program.

Mrs. McNaney said she appreciates the professionalism of the Fire Department.

Ruth S. Damsker Public Works/Parks/Recreation

27. [Motion to approve Payment #2 \(final\) to Bi-State Construction for the Sumneytown Pike Bridge Project in the amount of \\$10,785.70 \(via roll call vote\)](#)

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 Carter	Aye
	Commissioner Damsker	Aye

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28. [Motion to accept the resignation of Eric Hanson of the Nor-Gwyn Pool Commission](#)

Mrs. Damsker thanked Mr. Hanson for his time on the Nor-Gwyn Pool Commission.

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

29. [Motion to approve the appointment of Francis Gillan to the Nor-Gwyn Pool Commission](#)

Mrs. Hull said Ginny Oldt is excited to have this member of the pool commission as he brings some financial expertise.

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

Martha A. Simelaro **Wastewater Treatment**

30. [Motion to approve payment #10 to PACT One for the Pump Station & Force Main Project in the amount of \\$837,274.86 \(via roll call vote\)](#)

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

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

31. [Motion to approve payment #17 to Blooming Glen for the Hydraulic Expansion Project in the amount of \\$97,478.29 \(via roll call vote\)](#)

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 Carter	Aye
	Commissioner Damsker	Aye

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32. [Motion to approve payment #10 to Eastern Environmental Contractors for the Hydraulic Expansion Project in the amount of \\$63,882 \(via roll call vote\)](#)

Mrs. Carter asked why there are different contractors for this project. Mrs. Zadell said one is for electrical and one is general mechanical.

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

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

33. [Motion to approve the time extension requested by Eastern Environmental Contractors as a result of the COVID-19 pandemic for the WWTP Hydraulic Expansion Project \(Electrical\)](#)

Mrs. Simelaro said work was stopped in March due to COVID-19 and resumed in June. Eastern Environmental Contractors are requesting an 80-day extension of their contract until November 2020.

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

34. [Motion to reject the two \(2\) bids received for the Swedesford & Britt Rds. Manhole Upgrades](#)

Mrs. Simelaro said two (2) contractors bid on the project but both bidders were non-responsive.

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Carter, the motion to reject the bids was unanimously approved.

35. [Motion to reauthorize the advertisement of the bid for Swedesford & Britt Rds. Manhole Upgrades](#)

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

36. [Motion to approve Advanced Rehabilitation Technology \(ART\) to complete chimney seals and full spray lining via COSTARS #380975](#)

Mrs. Simelaro said this is part of the 2020 budget at \$70,000.

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

37. [Motion to appoint Dave Nasatir at Obermayer as Bond Counsel for financing of the WIP project.](#)

Mrs. Simelaro stated we requested and received RFP's for Bond Counsel if we need to borrow money by bond or bank loan for the WIP Project. The selection committee recommended Obermayer as Bond Counsel.

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

38. Motion to appoint PFM as the Township's Financial Advisor for financing of the WIP project.

Mrs. Simelaro also said we received RFP's for Financial Advisor for the WIP Project. The selection committee recommended PFM as Financial Advisor.

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

Other Business

Mrs. Hull said she has been getting a lot of compliments about our newsletter. She said it has a completely different feel to it and is informative, easy to read and well done. She thanked all department heads for the articles. She gave a shout out to Deanna Logan for doing an amazing job on the newsletter.

She also announced the date for the Census has been moved up to September 30, 2020 and encouraged all residents to complete the 2020 application as soon as possible.

Mrs. Hull complimented Sarah Prebis and her staff on the great job they are doing with Parks & Rec activities. She said we can't do the Fall Fest which was advertised in the newsletter, but it will be replaced with a hay ride and drive in movie. She added that bingo will be held in the spring and not in the fall as previously advertised.

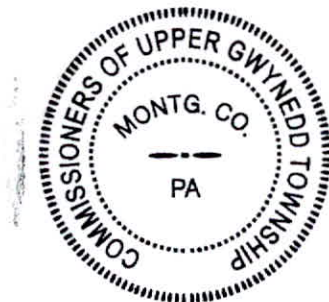
Mrs. Simelaro said we have an e-recycling/shredding event on Saturday, September 26 beginning at 9 am. This is open to residents of Upper Gwynedd Township.

Mrs. McNaney thanked Sarah Prebis for her work with this past weekend's car show and fireworks event.

Mrs. Zadell also thanked Parks and Recreation and the Public Works staff for their work on this past weekend's event.

39. Call for Adjournment

Mrs. McNaney adjourned the meeting at 9:00 pm.



Respectfully Submitted,

Sandra Brookley Zadell
Secretary

Approved October 19, 2020

/djl