

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

PUBLIC MEETING WORK SESSION MINUTES

August 8, 2022

This meeting was held in person at the Township and live streamed on our website at www.uppergwynedd.org

PLEASE NOTE: The Commissioners made decisions on items #30 and #31. The decisions are included in these minutes.

1. Call to order

The August 8, 2022, Public Work Session of the Upper Gwynedd Township Board of Commissioners was called to order by President of the Board, Denise Hull at 7:00 PM. This meeting was recorded and visually taped.

2. Pledge of Allegiance

The Pledge of Allegiance was led by Township Engineer, Isaac Kessler.

3. Roll Call

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

Denise M. Hull	President
Katherine D. Carter	Vice President
Liz K. McNaney	Commissioner
Martha A. Simelaro	Commissioner
Sandra Zadell	Township Manager
Megan Weaver	Assistant Township Manager
Lauren Gallagher	Township Solicitor
Isaac Kessler	Township Engineer
David Duffy	Chief of Police
Nathan Crittendon	Finance Director

Commissioner Ruth Damsker and Zoning Officer E. Van Rieker were absent.

4. Recognition of Cosimo Aversa for 5 years of service to the Township (August 16)

5. Announcement of Executive Sessions

Ms. Gallagher said the Board met in Executive Session prior to this meeting to discuss matters of personnel, collective bargaining and potential litigation.

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

Mrs. Hull said at the last meeting Linda Smith posed this question; since the proposed amendment to our TOD includes as a requirement being within .5 miles of a railroad station does that then apply the ordinance to the North Wales Train Station and parcels around there? Does it include bus stops and bus routes? Mr. Rieker responded to her with this response – the draft specifically refers to the Pennbrook Rail Station, so it would not apply to the North Wales Station. In addition, only vacant and undeveloped tracts would be eligible. Mr. Rieker was unsure what Mrs. Smith was referring to about buses but told her to contact him with additional questions.

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Mrs. Hull added in the interest of transparency, any question that is asked at a public meeting but answered privately will be publicly answered at the following meeting.

Carl Smith, 815 McIntosh Way, said it's hard to understand the protocol of asking questions. He said information is not given about Martin Tract and Pennbrook Station development and he doesn't understand why the questions he asks about Pennbrook Station are premature and inappropriate. Mr. Smith talked about the content of a recent article in The Reporter written by Dan Sokil. He asked two questions - will there be more "cornerstone" (building block) properties offered by the Walters Group in addition to the current proposal and did the Board of Commissioners endorse any grant application submitted to any funding source by the Walters Group.

Mrs. Hull said all questions we can answer at the meeting will be answered but others we may need additional time to get a complete answer to the question posed. All answers will be made public.

Mrs. Zadell said the Township has nothing to do with the name of a parcel or the development and we are not in control of which projects come towards us.

Linda Smith, 815 McIntosh Way, asked if this is subsidized housing? Mrs. Hull said we don't have the proposal in front of the Board yet. We only have preliminary ideas and sketch plans. Ms. Gallagher said when and if the plan comes before the Board, it will be advertised, the property will be posted, public notices will be sent, and it will be announced at meetings. This has not been scheduled for public hearing. It will go to the Planning Commission but there may be a community meeting prior to it going to the Planning Commission. Mrs. Smith said according to the Comp Plan, 97% of survey respondents rated UGT as an excellent or good place to live. She doesn't understand how high-density housing is good for the Township. She asked if the Walters Group needed a zoning change in order to move forward with the proposal. Ms. Gallagher replied the draft ordinance is a text and map amendment.

Carolyn Powers, 226 S. 11th St. said according to the Comprehensive Plan, there are 479 new dwelling units planned for the Township between now and 2040 and asked where are the future build sites? Mrs. Hull said we will respond to the question by email.

Karen Verillo, 214 S. 11th St. is shocked to read the press release that states the plan has been reviewed for the past twelve months yet there are no answers. A discussion ensued regarding the Comprehensive Plan survey. Mrs. McNaney said that land development is a process. Currently, only two Board members along with staff and consultants are involved in the process through the Plan Review Committee. These meetings are offered to developers as a courtesy, to present their plan and get direction from the Township regarding what steps are needed with regards to zoning, land development, etc. The developer then decides on how to move forward. Mrs. McNaney reiterated that everything is just a draft. Mrs. Barilla asked if there is still a chance we can stop this from happening? Mrs. McNaney and Mrs. Zadell replied yes. Mrs. McNaney added this is not a done deal as we haven't even heard the plan yet.

Ms. Gallagher said no one has heard what the full project is about. She said the developer has not indicated that they are moving forward with the project but if they do move forward there will be several approvals at several different levels of publicly advertised meetings. Mrs. Zadell said the article in the paper is between the county and the developer and has nothing to do with Upper Gwynedd's Board as they still have to go through the land development process. She added we did not write a letter of support for grant funding nor were we approached for any letter of support from the Walters Group.

Dan Wallace 848 Girard Ave. wants an update on the status of the new fire hall. Mrs. Zadell said the Fire Department is working directly with a consultant on Fire Studies and they are moving forward with the study. She added the study is the first step forward in the process. No funding has been considered yet as the project is slated for 2029.

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Fred Hencken, 802 Clover Drive, asked why the Walters Group is getting \$1.3M in funding if this project is preliminary. Mrs. Zadell said she has no idea why the applicant is applying for grant funding when they have no approvals from the Township but it is their prerogative as a property owner. It has nothing to do with any approvals the Board may or may not render. We have no control over what a developer does. Mr. Hencken stated that he didn't know anything about the survey for the Comprehensive Plan and doesn't understand why it wasn't mailed to residents. Ms. Gallagher said the Comprehensive Plan is a planning document. Mrs. McNaney said we tried to get as much input as possible from residents. It was in the newsletter, on social media, on the website, flyers were put out at restaurants and the library. Mr. Kessler said the Comprehensive Plan is a planning document designed to give a vision and to guide the Township in future planning. Further input from residents will come from feedback at the Planning Commission meetings regarding applications for development before going through the levels of professional review with respects to zoning and development including the Zoning Hearing Board. The Comprehensive Plan is not the layout for the future but merely a guide. He added many Townships don't refer to their Comprehensive Plan, but UGT does a great job referring to the plan with respect to recommendations, but nothing is written in stone as development is not planned by the Township and we don't know what is coming through. Mr. Kessler added he wouldn't put too much weight on what is in the Comprehensive Plan because it is just a guiding document and used mostly by the Planning Commission. Any development still has to go through the planning process.

Fred Brino, 109 White Oak Rd., hopes the Township will consider the safety of all residents and will continue to prudently manage our financial resources.

Roger Hammond, 757 Brian Way, commented about the Martin Tract, property ownership and politics in general. Ms. Gallagher said the Pennbrook Parkway needs several public approvals and the only thing that has been suggested is a text amendment. To move forward it needs a full-blown land development approval and we are so far away from that. It is at the Board's legislative discretion. Ms. Gallagher added there is nothing before the Board regarding Pennbrook Parkway or the Martin Tract. The Board has been in contact with Mr. Martin and his attorneys. Mr. Martin has proposed a zoning map and text amendment that would allow high density housing on that property.

Tom Borneman, 722 Green St. said the people of UGT do not want the national Democratic agenda here. He asked why the recent article in The Reporter states that the county has slated funding for the Walters Group project.

Mrs. Zadell said the Walters group must have applied for the grant through the County. The Township did not apply for the grant and did not endorse or support the grant. Mrs. McNaney asked if he is against affordable housing to which Mr. Borneman replied that he is against high density housing as it has a negative effect on property values. Mrs. McNaney said we are here to work with you, not to engage in bitter fighting as we all want what's best for Upper Gwynedd.

Mike Fellmeth, 112 Cardinal Way, believes all comments should be directly toward the chair. He asked when the Township will begin the improvements to the walkway of the Green Ribbon Trail across North Wales Road. Mr. Kessler said this project required a Highway Occupancy Permit from PennDOT. The delay on the project was the lead time for a mast arm that holds up the sign and said the project should begin in a few weeks.

Mark Connelly, 11 Kearney Drive, thanked the Board for approving the Dickerson Rd. Drainage Project. It is sorely needed and is hoping that Dickerson Rd. will no longer be under water.

Peter Moore, 230 S. 11th St. asked for a definition of affordable housing. Ms. Gallagher said that is something the applicant is proposing and would be best answered by the applicant. Mrs. Zadell said there are federal standards that the applicant must adhere to and is based on income level. The applicant has not provided that information.

7. Public Hearing – Ordinance 2022-04 – August 16th meeting

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2022-04, to create Chapter 70 – "Drug Paraphernalia," providing for the creation of a summary offense for possession with intent to use drug paraphernalia

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Brief explanation by Lauren Gallagher, Township Solicitor

Exhibits:

T1: Ordinance 2022-04

T2: Proof of Publication of Legal Advertisement – July 27 and August 3, 2022

8. Request for public comment
 9. Close of Public Hearing
 10. Approval of Ordinance 2022-04, Drug Paraphernalia
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11. Public Hearing – Ordinance 2022-05 – August 16th meeting

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2022-05, amending the code of Upper Gwynedd at Chapter 161 – "Stormwater Management: Skippack Creek Watershed" to update and refine the MS-4 Program

Brief explanation by Lauren Gallagher, Township Solicitor

Exhibits:

T1: Ordinance 2022-05

T2: Proof of Publication of Legal Advertisement – July 27 and August 3, 2022

12. Request for public comment
 13. Close of Public Hearing
 14. Approval of Ordinance 2022-05, Stormwater Management: Skippack Creek Watershed
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Departmental Reports

15. Manager's Report

Mrs. Zadell said National Night out was a wonderful event led by Officer Fred Lynch. Fire Chief Eric Geiger received the professional designation of "Chief Fire Officer" and there are only seven other fire chiefs in the County with that distinction. Battle of the Badges was won by the Fire Department this year.

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Presentation on Land Development Process (Sandra Zadell)

Mrs. Zadell said she will be referencing information provided by DCED and a packet of information is available in the lobby.

Mrs. Zadell began her presentation with the laws that dictate the planning process which include the Municipal Planning Code (MPC), UGT Sub-division and Land Development Ordinance (SALDO), the Township Zoning Ordinance and the US Constitution.

The MPC is the procedural process that grants authority to enact SALDO, provides the time frame for applications and oversees the process.

The SALDO is the standards process that handles all submittal and design details, layout, sidewalks, trails, lighting, gutters, safety, etc., as well as all fees and waivers and stages of development.

There are two processes of Land Development

- By Right Plan – needs no zoning relief

Initial contact is made to the zoning officer where the zoning process is reviewed, then to PRC where staff makes suggestions for design and details. Once an official application is received, the public process begins. Plans are reviewed by engineers, traffic planner, Fire Marshal, County, etc. then it moves to the Planning Commission for review which includes a site visit, resident meetings by the developer, suggestions from residents. Once it is recommended by the Planning Commission, it then goes to the BOC.

- Zoning Relief Needed Plan

Initial Contact is made to the zoning officer where the developer decides what route to take and may go through the Zoning Process that includes the Zoning Hearing Board or it may go directly to the PRC where the developer may get sent to the Zoning Process. Mrs. Zadell said we are in the Zoning Process with the Walters group. We have an application zoning relief but not an official application for land development. There is no time frame for this process.

- Why doesn't staff just tell people not to develop?

Not a by right plan

The goal of staff is to respond to all stakeholders and further plans through a public process. If we said no to all proposals and didn't let them progress through the process, staff alone would be making decisions about the community. Some cases have compelling reasons for proceeding, such as agreement with the Comp Plan, clearing blight, cleaning environmental issues, providing important community services, etc.

By right plan

The US Constitution along with several layers of State and Municipal code afford private properties the right to develop their property in accordance with existing Zoning Regulations. If the Board votes no on a by right plan, the applicant then will likely sue the Township in a lengthy legal battle that we can't win.

Carl Smith, 815 McIntosh Way, said the Walters Group is not a by right plan and must go through zoning change. He asked why the Board doesn't dismiss this plan. Mrs. Zadell said the Board doesn't have an official application of land development and if we made that decision now, we would cut out the public process. He asked if all applications are put through this process. Ms. Gallagher said during the application process, staff will suggest to the applicant that their proposal is outrageous, and the applicant typically withdraws their request, but should the applicant wish to proceed, then the Township will proceed with the hearing process. Mrs. Zadell added that Mr. Smith is implying that the Board is supporting the Walters group application and said that isn't the case.

DCED recommends:

- "At the sketch plan phase, the municipality may be able to provide some input into the project design, and the developer may learn of factors that may affect the design or layout that could avoid costly mistakes in the preparation of a preliminary plan. Sketch plans or pre-application meetings provide an opportunity to improve the quality of development that is advantageous to the community and the developer. All parties to the land development application are encouraged to get together as early as possible in the process."

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- "By instituting this procedure (PRC), the initial phase of the review process can be less contentious and more apt to foster consensus building than the more formal preliminary plan review process. The pre-application conference process can increase cooperation among the developer, his agents, and the municipality. The result can be an application submitted as a preliminary plan that is acceptable to the developer and municipality as the formal review period begins."

Stakeholder viewpoints: Different parties bring different perspectives to the process. Development reviewers should take into account the differing perspective of all stakeholders including local government officials, developer and residents.

Mrs. Zadell closed by saying the most important aspects of administering the land development process include fairness, following the law and timelines, factoring in stakeholders, planning documents and community interest as well as regional planning initiatives.

Fred Hencken, 802 Clover Drive, said protecting our homes and neighborhoods is a critical concern.

Roger Hammond, 757 Brian Way asked about whether the text amendment goes to the zoning process. Mrs. Zadell said a text amendment is legislative and decided on by the Board. If they make an application for zoning relief, then that goes to the Zoning Hearing Board. There are public hearings in both cases, either a BOC hearing for a ZHB hearing.

Ismaine Ayouaz 744 Mallard Place asked why there isn't a land development application first. Mrs. Zadell said if the BOC votes no on the text amendment, the applicant can go to the Zoning Hearing Board. Ms. Gallagher said if they don't get their zoning relief through the text amendment, it would be difficult for a developer to go through the land development process unless they went to the Zoning Hearing Board. She added the applicant would need a lot of relief and would have to go through the sections of the zoning code they need relief from and present it to the ZHB for a variance. Mrs. Zadell added the application from the Walters group is for a zoning application for a text amendment, not a land development application.

16. Financial Report (Nathan Crittendon)

Mrs. Zadell said in General Fund Revenues, real estate taxes are in budget and exceed last year by \$6000. Act 511 taxes has revenue increases of \$623,428. The real estate transfer tax has increased by 71%. Interest earnings increased by \$4,296. Public safety revenue has increased by \$108,921 as well as building & sign permits. General government decreased by \$23,711 due to the revenue stream variable of the timing of applications coming to the Township. Culture and recreation experienced a significant increase of 58% and revenue levels are expected to exceed prior year levels. In General Fund Expenditures in administration, there is a 19% variance due to planned, budgeted salary expenses, legal fees and community contributions. Building expenditures increased by \$292,802 due to increasing capital project costs for labor and inflation of materials cost. Police expenditures reflect a decrease of \$621,782 due to the timing of the release of pension contributions. Public Works departmental costs have increased \$203,247 due to the timing of capital projects, maintenance payments and rising fuel costs. All other expenses remain within budget.

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

As reported by Megan Weaver, Assistant Township Manager

- **Proposed Zoning Map & Text Amendment, 1500 Pennbrook Parkway**, Walters Group – Proposal for approximately 44 dwelling units in Transit Overlay District (per Comprehensive Plan). Draft being reviewed.

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- **ZHB 22-14, 322 Gosling Dr** – Variance to permit 1% increase in building coverage to permit a rear yard shed. Approved on July 26, 2022.

18. Engineering Report (Isaac Kessler)

As reported by Isaac Kessler, Township Engineer

Mr. Kessler reported there is active construction on Wheatley Walk and Roosevelt Court as well as some drainage work on Wissahickon Avenue.

- **Road Program** – Anticipated start of work is scheduled for August 15th. Several roads will be milled and overlaid as well as the installation of ADA ramps. We will be working with staff and the contractor to relay current scheduling information to residents for notifications of which roads and ramps will be done at what dates on the calendar. The work is anticipated to take two months.
- **Stream Assessments** – As part of our MS4 Program work this year, we will be conducting field assessments of our streams to locate areas that may need clearing or restoration work. This will allow us to keep our streams as clear as possible for heavy storms and also plan for future streambank projects that may be needed before they become larger issues.

Denise M. Hull, PRESIDENT Finance/Personnel/Administration

19. Staff Department Reports

Parks & Rec	Public Works	Police	Zoning	Code Report
Eng. – EEMA	Eng. – RVE	UGFD	NPFD	VMSC

This will be placed on the consent agenda

20. Public Meeting Minutes of July 11, 2022

This will be placed on the consent agenda

21. Public Meeting Minutes of July 19, 2022

This will be placed on the consent agenda

22. Tax Assessment Appeals (Discussion)

Ms. Gallagher said from time to time we get a tax assessment appeal. North Penn School District takes the lead on this process. She recommended the Board set a policy with one of the options below regarding tax assessment appeals.

- Enter into all cases
- Enter into all cases the school district enters
- Establish a monetary threshold before entering an appearance

The Commissioners agreed to option number two and the policy will be to enter into all cases the school district enters. Ms. Gallagher will prepare a resolution for consideration the Business Meeting.

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23. Approval of the "Employee Accident & Illness Prevention Program"

Mrs. Zadell said the prevention program is recommended by our insurance carrier and outlines the safety goals to minimize injuries and illnesses.

24. Resignation of Janki Patel from the Human Relations Commission (HRC)

Mrs. Zadell said we now have a vacancy on the HRC and two vacancies on the Joint Board of Appeals.

25. Authorization to advertise the bid for Residential Leaf & Yard Waste Collection and Disposal

Ms. Weaver said we looked into this as a result of resident feedback. We looked to see what other Townships are doing and mirrored Montgomery Township. This proposal is for twice yearly pickup and a dumpster at the township for residents to drop off leaf/yard waste if not on the route.

Katherine D. Carter, Vice President Public Safety

Ruth S. Damsker Zoning/Planning/Code Enforcement

26. Approval of escrow release #3 for Roosevelt Court in the amount of \$148,710.75

This will be placed on the consent agenda

27. Approval of escrow release #3 for the Shoppes at Upper Gwynedd in the amount of \$28,993.36

This will be placed on the consent agenda

28. Approval of the final escrow release for the Enclave at Gwynwood Farms in the amount of \$9,957.81

This will be placed on the consent agenda

29. ~~Approval of the Access Agreement for Eagle Lane~~

Liz K. McNaney Public Works/Parks/Recreation

30. **DECISION:** Motion to approve the agreement with Costars Vendor Realty Landscaping Co. for Jack's Lane Clearing in the amount of \$89,281.25 (via roll call vote)

Mrs. Zadell said this is clean up work for Jack's Lane. Mrs. McNaney said we have areas in the township that have been neglected for a long time and we will be addressing them over the next few years. Jack's Lane was at the request of Township residents. This is the first area that has been identified. Mr. Kessler said we are working with the Parks department to identify additional areas for improvement.

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

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

31. **DECISION:** Motion to approve the contract with Merck for using their facility for Carnival Parking on September 9 & 10.

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

32. Approval to advertise the bid for Snow Plow Equipment Rental with Labor

This is a yearly bid to help with snow plowing.

33. Approval to change the Parks & Rec software from Community Pass to Rec Desk for 2023.

Mrs. Zadell said we are looking to change from Community Pass as it has limited functions. Rec Desk will allow us to do more and is user friendly. We will also eliminate the 3% credit card fee and raise the price of events by \$1-\$3. The new program is slightly more expensive but has additional user features and services.

34. Approval of the Home at Last 5K race on October 29, 2022

This is an annual race.

35. Approval of the Trail License Agreement with PECO for the Powerline Trail in Upper Gwynedd Township.

This is the easement agreement for the entire length of the Power Line Trail. It encumbers the Township to maintain the trail in a certain manner, no placement of metal signs, and there is an annual cost of \$758.

36. Approval of the purchase order for SWERP's pipe lining project in the amount of \$600,229 (via roll call vote)

This is a CoStars vendor.

Martha A. Simelaro Wastewater Treatment

Other Business

37. Approval of August 2022 Open Invoices (via roll call vote)

38. Approval of August 2022 Paid Invoices (via roll call vote)

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39. Call for Adjournment

Mrs. McNaney said National Night Out had a different format this year as we only visited two neighborhoods but had a central location at Parkside Place with numerous participants. Chief Duffy said Officer Lynch did a wonderful job planning this event. Next year we will invite neighborhoods to represent and to participate at Parkside Place. Mrs. McNaney gave our fire fighters a shout out for doing all that they do.

Mrs. Hull adjourned the meeting at 9:10 pm.



Respectfully Submitted,

Sandra Brookley Zadell
Secretary

Approved September 20, 2022

/djl