

# UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

## PUBLIC MEETING WORK SESSION MINUTES

April 11, 2022

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

**PLEASE NOTE:** The Commissioners made decisions on the following items: #32 and #36. The decisions are included in these minutes.

1. Call to order

The April 11, 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 Oulimata Sow who recently became a citizen of the United States.

3. Roll Call

Roll call was taken by Megan Weaver, Assistant Township Manager. The individuals in attendance were:

Denise M. Hull	President
Katherine C. Carter	Vice President
Liz K. McNaney	Commissioner
Ruth S. Damsker	Commissioner
Sandra Zadell	Township Manager
Megan Weaver	Assistant Township Manager
Lauren Gallagher	Township Solicitor
Owen Hyne	Township Engineer
David Duffy	Chief of Police
Nathan Crittendon	Finance Director
E. Van Rieker	Zoning Officer
Sarah Prebis	Parks & Recreation Director

It was noted that Commissioner Carter joined the meeting at 7:27 pm. Commissioner Simelaro was absent.

4. Presentation by Dr. Jeyaraj and Mr. Whitehair on the legacy of Dr. Frank Boston

The major accomplishments of Dr. Boston include;

- First African American to start an Ambulance Corps (1933 VMSC-Lansdale, PA)
- One of the First African Americans to start both a hospital (1934 now part of Jefferson Health) and Ambulance Corps, and both continue to serve the community!
- One of the First African American Doctors to receive Two U.S. Presidential Citations from Presidents Truman and Eisenhower
- One of the First African American Family of Doctors (his brother was also a doctor)
- One of the First sets of African American Brothers and Doctors to serve in the Military
- One of the first Monuments to an individual African American was for Dr. Boston
- One of the First African American Doctors to become a member of the Association of Military Surgeons of the United States



## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

Mr. Whitehair said as part of Celebrate EMS Week, there will be a special salute to Dr. Boston on May 20, 2022 in Washington DC at the World War I Memorial with VMSC Chief Shane Wheeler is one of the guest speakers.

Dr. Jeyaraj announced that on May 2<sup>nd</sup> at Lansdale Hospital, there will be a portrait of Dr. Boston hung on the wall in the lobby and they are naming the lobby after Dr. Boston. He added that the state is looking at renaming Broad Street in memory of Dr. Boston.

### 5. Liberty Bell Trail Presentation by Chris Stanford of Michael Baker International, Inc.

Mr. Stanford said the Liberty Bell Trail involves Upper Gwynedd Township and seven (7) other municipalities in Montgomery County. This portion of the trail study will run from UGT to Telford. The section of the trail related to the Township includes 2.3 miles of trail from Parkside Place to Stony Creek Park in Lansdale. The scope of the study included data collection, conceptual plans and mapping new alignments, resident meetings, public outreach sessions, and meetings with the Feasibility Study Management Group. Mrs. Zadell added there was significant public outreach for this study.

Mr. Stanford added that Parkside Place would be the start of the trail network as some other trails already exist there (Green Ribbon Trail). The LBT is planned to connect to the Green Ribbon Trail at the south end of Parkside Place Park. Improvements to Parkside Place include widening sidewalks as shared paths. The signal at Sumneytown Pike already has pedestrian pushbuttons to allow for safe crossing. The trail will move from Sumneytown Pike to Dickerson Rd. with the replacement of sidewalk and improvements to commercial driveways. Crosswalks and signage will be needed. The trail will continue on Dickerson to the south side of Wissahickon Avenue and will cross over the bridge to the north side and over to Pennbrook Parkway, then connecting to Stony Creek Park. This 2.3-mile portion of the trail would be completely off-road. The estimated cost for this section is \$3.2M which includes design costs. This estimate does not include any right of way acquisition. Mr. Stanford said he in order to move this forward, he recommends breaking this portion of the trail into two (2) manageable pieces. The first portion would run from Parkside Place to Dodsworth Run which is a nice section for grant writing opportunities with two (2) recreational amenities.

Mrs. Zadell said the Board will be asked to pass a Resolution approving the Liberty Bell Plan at next week's meeting. The trail is grant funded and the matching portion is split between the eight (8) participating municipalities. Mrs. Zadell mentioned that we left out the section of trail that went behind Gosling Dr. as many residents expressed concerns and there are no viable connections so it would be a trail to nowhere as the trails in Worcester Township are not yet built. We decided it was best to connect to things that are already in place such as Dodsworth Run and Stony Creek Park. Once the plan is approved, the next step would be to close out the TCDI grant and apply for a grant (DCNR) that has a zero match.

Judy Vose, 619 Whittaker Place asked if the study included balancing the wishes of the residents that want it vs those that don't want it. Mr. Stanford replied there was an online survey to gauge support with more than 80% of respondents in support. Resident's issues were addressed during outreach. She further asked if the study educated those against the trail on the value that trails bring to a community, the environment and real estate and about the perceived notion of added crime. Mrs. Zadell replied that we educated the community at numerous events as well as spoke directly to residents in opposition. She added, now that the feasibility study is complete, we will have individual meetings with those whose property is close to any of the alignments. Mrs. Vose further commented that the connection behind Gosling should have been part of the plan. Mrs. Zadell said we have minimal opposition in the proposed 2.3 miles of trail so we like to start with the successful areas first, then revisit the other areas that can be expanded upon.

Beth Miller, 405 W. Prospect Ave., asked what is going on with PECO that is causing them to be more reticent about easements. Mr. Stanford replied, the Power Line trail in the Horsham area has been very successful and has been working its way up and other communities have been able to build in PECO's property. He mentioned there may have been a change of leadership or change of policy by they came out with a written change saying they are taking a step back from allowing municipalities to build in the right of ways because of concerns for future expansion of PECO and other safety concerns. Mr. Stanford added they are meeting with communities one by



## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

one to understand what is proposed for each individual community and to take it one corridor at a time. There is a meeting scheduled with PECO in a few weeks to discuss potential trails in Upper Gwynedd. Mrs. Zadell said there is a feasibility study for the Powerline Trail also.

Mike Fellmuth, 112 Cardinal Way, commented that he hoped the Gosling Drive section includes Cardinal Way as he has safety concerns. He added that the proposed trail should have stop signs in place for pedestrians and bicycles, not just vehicle traffic. He commented that bicyclists don't always follow the rules of the road. Mr. Fellmuth further suggested that bicyclists should dismount at railroad tracks. Mr. Stanford said proper signage will be in place when the plan progresses to engineering. Mrs. Zadell added, that as the plan progresses, it will get a lot more specific.

William Jackson, 644 Park Rd., says he is a biker and is all for bike safety. He added he has to look out for the drivers exceeding the speed limit or getting distracted while driving. He added that he supports the plan and would like to see the lack of sidewalks at Church Rd. between Sumneytown Pike and Wissahickon Ave. as well as unbroken sidewalks on Broad Street between Sumneytown Pike and Allentown Rd. be discussed as a separate initiative.

Dominic Vasturia, 436 Lansdale Ave., said he is in favor of the plan as an extension of walking and biking trails and uses many of the area trails to get to work each day. He said the trail would help improve the safety of non-motorists using the trail and would bring commerce to the community. He mentioned a possible idea for funding is Jansen Pharmaceuticals who funds many of these types of projects.

Lou Savastani, 504 Rockhaven Rd., Narberth, PA, said he is the chair of Bike Montgomery County and thanked everyone for being circuit trail advocates. He said the overall goal is for 800 miles of circuit and the hardest part is getting all the pieces connected together. Mr. Savastani added the importance of trails is for recreation, transportation, and non-motorist safety. He shared some personal stories about the importance of trail connections. Mrs. Zadell added that trail connections transform communities.

### 6. Announcement of Executive Sessions

Ms. Gallagher said the Board met in Executive Session on March 28<sup>th</sup> to discuss a matter of potential litigation and prior to this meeting to discuss matters of potential litigation.

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

William Jackson, 664 Park Rd. said he would be glad if the Board never approved a fee in lieu of putting in a sidewalk.

David Kinion, 1000 S. Broad St., asked who decided we need more high-density housing in the Township and who determined the growth? He added building better homes instead of high density, lower value homes would be better for the base. He also asked if the trail would be on all public property or would you have to negotiate with homeowners to take some of their property for the trail.

Tom Borneman, 722 Green St., asked if there was a traffic study done for the Pennbrook Parkway to which Mrs. Hull replied this plan is in the preliminary stages and no traffic study has been done yet. He also asked what the density is for the plan. Mrs. Hull said the proposed zoning would not be any denser than allowed by our zoning code.

Mike Fellmuth, 112 Cardinal Way, says he supports the trail going north.

## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

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### 8. Public Hearing – Ordinance 2022-01 – April 19<sup>th</sup> meeting

The purpose of this hearing is to hear comment pursuant to the consideration of Ordinance 2022-01, amending the code of Upper Gwynedd Township at Chapter 168 – “Subdivision and Land Development,” at Section 23 - “Sidewalks”.

Brief explanation by Lauren Gallagher, Township Solicitor

Exhibits:

- T1: Ordinance 2022-01
- T2: Proof of Publication of Legal Advertisement – March 28 and April 5, 2022
- T3: Comments from SEPTA
- T4: UGT Planning Commission Review Letter
- T5: Montgomery County Planning Commission Review Letter

### 9. Request for public comment

### 10. Close of Public Hearing

### 11. Approval of Ordinance 2022-01, Fee in lieu of sidewalks

Mrs. Zadell said we would like an opportunity within our SALDO to collect a fee from a developer who doesn't propose sidewalks. The purpose of the fee is for the Township to install sidewalks or trails where needed in the community.

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## Departmental Reports

### 12. Planning and Zoning Report (E. Van Rieker)

As reported by Van Rieker, Zoning Officer

- **Subdivision/Land Development Plan for 17 Townhomes** (former Jeppy property renamed Wheatley Walk)  
Preliminary/Final Land development plans approved by the Planning Commission on September 8, 2021. This was approved by the BOC in February and demolition has been completed. Addresses have been issued for the properties and permits will be issued soon.
- **Proposed Zoning Map Amendment, 375 Morris Road** – Presently zoned: LI – Limited Industrial. Proposed zoning: IN Institutional. (Former ACTS Corp. Offices).  
The MCIU is looking for the 5-acre parcel to be rezoned from LI to IN to provide education for youth with special needs. This is scheduled for the UGT Planning Commission on April 13, 2022. No land development is proposed, just internal fit out and the addition of an outdoor playground.



## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

- **Proposed Zoning Map & Text Amendment, 1500 Pennbrook Parkway**, Walters Group – Proposal for approximately 44 dwelling units in Transit Overlay District (per Comprehensive Plan)  
Staff is reviewing this to see how and if it should proceed. A draft ordinance will be presented to the PRC next week with the idea of the plan being consistent with the recently adopted comprehensive plan.
- **ZHB 22-02 – 621 W. Prospect Avenue** – Variances and appeal interpretation by Zoning Officer to build 2-story garage with other uses as accessory use in R-1 District.  
This has been withdrawn by the applicant.
- **ZHB 22-03, 1346 E. Prospect Avenue**, Sanctuary United Methodist Church. Variances to permit a 36 sf. sign where a 24-sf. sign is permitted and a one-foot higher sign of 8 ft; and variances from LED regulations to permit multiple colors and flip rate of 2 minutes where 4 hours is required.  
The applicant's variances deal with the size of the sign and a request for increased flip rate. The Township Solicitor will attend the meeting on behalf of the Township in opposition to the proposed flip rate. This has been continued to April 26, 2022.
- **ZHB 22-04 – 110 Webers Rd.** - to permit a shed in front yard setback 35 ft. where 50 ft. is required. This is a corner lot.  
This was approved by the ZHB on March 29, 2022.
- **ZHB 22-05 – 725 Shearer Street** – Variance to permit a one-story accessory building to be detached and located in rear yard with an in-law suite.  
This was denied by the ZHB on March 29, 2022.
- **ZHB 22-06, 732 Pineview Dr.** – variances to permit the construction of a porch roof in the required front yard setback and variance to permit the construction of a separate living area not having kitchen or cooking facilities outside of the existing floor area of the existing dwelling.  
This will be heard by the ZHB on April 26, 2022.

### 13. Engineering Report (Isaac Kessler)

As reported by Owen Hyne, Township Engineer

- **Road Program**

The bid opening of the 2022 Roads Program is scheduled for April 14<sup>th</sup>, with an expected recommendation to award the bid at the April 19<sup>th</sup> Business Meeting. As we have done in the past, the contract specifies the work to be completed before the end of August, before the start of the next school year.

- **Field Survey**

Field work is being done throughout the Township for various reasons. This includes areas of our streams to assess and identify for clearing blockages, as well as specific areas for projects such as Haines Run near the WWTP and the Sumneytown Pike Bridge Replacement. We will continue to coordinate and notify nearby residents to the best of our ability, and for their awareness of these early stages of projects being done that involve field work.

## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

### **Denise M. Hull, PRESIDENT** **Finance/Personnel/Administration**

14. Staff Department Reports

This will be placed on the consent agenda

15. Public Meeting Minutes of March 14, 2022

This will be placed on the consent agenda

16. Public Meeting Minutes of March 22, 2022

This will be placed on the consent agenda

17. Authorization for enrollment and participation in the PLGIT/PFM Procurement Card program. Authorizing Township Staff to utilize the program to secure payment for expenditures and rebates received back as a result of participation be accepted into the Township's General Fund.

Mr. Crittendon said this program is designed specifically with municipalities in mind and allows us to pay for all of our expenses using card payment and after a certain milestone is met, 1% of the proceeds are then returned to the Township which allows for an additional form of revenue for the Township that can be put into the operating budget. This program has policies in place for how the card may be used, what vendor it may be used for as well as spending limitations. The card also allows for our tax exemption status. Mr. Crittendon added this is a centralized purchasing program that integrates well with our systems and increases efficiency with less checks being issued.

18. Approval of the Proclamation declaring April 30, 2022 as Arbor Day in Upper Gwynedd Township

Mrs. Zadell announced the EAC is selling native trees at a great rate for Arbor Day. You may order 4 different trees on our website and pick them up at Parkside Place on the 30<sup>th</sup> from 9 am til noon. The EAC is working on the Township being certified as a Tree City USA.

### **Katherine D. Carter, Vice President** **Public Safety**

19. Approval of the Proclamation declaring May 15 - 21, 2022 as Police Week in Upper Gwynedd Township

This is first of 3 proclamations celebrating our various departments. This will be placed on the consent agenda.

### **Ruth S. Damsker** **Zoning/Planning/Code Enforcement**

20. Approval of Escrow Release #1 to the Green Tree Group Contracting, LLC for the Jay Subdivision in the amount of \$24,898.50

This will be placed on the consent agenda



## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

21. Approval of Escrow Release #2 for the Shoppes at Upper Gwynedd in the amount of \$38,909.20

This will be placed on the consent agenda

22. Approval of Resolution 10-2022, updated Township fee schedule

Ms. Weaver said we reviewed the fee schedule to make sure our expensed are being covered by the fee. We noticed that several fees needed to be adjusted. This was done in consultation with the department heads, and we also compared our fees with surrounding municipalities.

23. Approval of Resolution 11-2022, establishing an escrow fee schedule for SALDO

Typically, during land development, the Township incurs the legal and engineering expenses that are then billed to the developer. We are now proposing an escrow fee schedule to cover those expenses. We would get the money upfront and any legal and engineering expenses would draw down on the account. It takes the liability off the Township should a developer not pay for those expenses. This would allow us to stop work if their escrow account falls too low.

Mrs. Zadell thanked Ms. Weaver for the good work and said she has worked on this for months to identify and analyze these fees and to come up with a fair cost for both residents and developers.

Mike Fellmuth, 112 Cardinal Way, commented that charging \$115 for a copy of the Comprehensive Plan is expensive. Mrs. McNaney said the fee is \$0.50 per page for color copies. She added there are other options such as getting it printed in black and white only which would be \$57. Mrs. Zadell said it is available online free of charge and it can be printed at home. Other options include viewing it at the Township and marking those specific pages to copy. She added this price is consistent with our open records request price which is set by the Office of Open Records.

24. Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended daily work hours and Sunday work to complete the exterior roof work on B75A Renovation Project. May 1 through December 18, 2022

This will be placed on the consent agenda

25. Merck & Co. waiver request from Chapter 113-1 & 124-5 for extended daily work hours and Sunday work on WP63A Area Site Work. April 25 through December 18, 2022

This will be placed on the consent agenda

26. Approval to authorize the Township to release the maintenance bond for Colorcon's project in the amount of \$65,256.26

This will be placed on the consent agenda

27. Approval of the Proclamation declaring May 23 – 27, 2022 as Codes Week.

This will be placed on the consent agenda

## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

### Liz K. McNaney Public Works/Parks/Recreation

28. Approval of the Proclamation declaring May 15 – 21, 2022 as Public Works Week in Upper Gwynedd Township

This will be placed on the consent agenda

29. Approval of the advertisement of the Intermunicipal Bid for Heating Oil

Mrs. Zadell stated we bid for Heating Oil on behalf of the Montgomery County Consortium. We also participate in the salt bid, road signs and others through the cooperative purchasing program.

30. Approval of the Bid for the 2022 Roads Program (bid opening on April 14)
31. Approval of Resolution 14-2022, the Liberty Bell Trail Feasibility Study Endorsement
32. **DECISION:** Motion to approve Resolution 12-2022, the DCNR grant application for the Parks and Recreation Master Plan

Mrs. Prebis said we are looking to do a Parks and Recreation Comprehensive Plan on our parks in the next two (2) years to identify trends, look at what we have and don't have, and the wants and needs of the residents.

David Kinion, 1000 S. Broad St., asked what exactly is the master plan? Mrs. Zadell said the master plan takes into account what we currently have in our parks and what we are looking to add. It is the plan for the future of our parks. He asked if he could get a copy of the plan to which Mrs. Zadell said this is just for a grant to write the plan.

Mrs. McNaney said we will be working with a group that will be able to help us look at the plan so that it is something we can really use looking into the future much like the Township Comp Plan.

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

33. Approval of Payment #1 to Derstine Company, LLC for the WWTP RAS Pump Replacement Project in the amount of \$29,250.00. via roll call vote

This will be placed on the consent agenda

34. Authorization of the Township Manager to execute the Addendum to the Intermunicipal Agreement among Upper Gwynedd Township, Towamencin Township, and the Upper Gwynedd Towamencin Municipal Authority regarding withdrawal of Upper Gwynedd therefrom.

Ms. Gallagher said we are working the Towamencin Solicitor to finalize this agreement. The original agreement omitted two (2) properties from the list, and this will correct that it is updating the agreement to reflect the fact that it is just now the Towamencin Municipal Authority rather than the Upper Gwynedd Towamencin Municipality.



## UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

35. Approval of Resolution 13-2022, 2021 Pre-Treatment Fees

Mrs. Zadell said this is done the year after the pretreatment exists for our large industrial users of the WWTP.

36. **DECISION:** Motion to approve the Proclamation declaring April 18 – 22, 2022 as Wastewater Week in Upper Gwynedd Township

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

### Other Business

37. Approval of April 2022 Open Invoices (via roll call vote)  
38. Approval of April 2022 Paid Invoices (via roll call vote)  
39. Call for Adjournment

Judy Vose, 619 Whittaker Pl., commending the Board of Commissioners and managers for managing the wastewater treatment plant so well and knowing that it's keeping our residential rates down.

Mrs. Carter called Police Chief Duffy to the podium. She said the reason she was late to the meeting was because she was at the Fire Department as they were being honored by the Men of the Revolution and two of Chief Duffy's officers received awards and were unable to attend and asked her to accept the awards for the officers. Officer Gill and Officer Royds received the life-saving award in recognition of saving a human life under emergency conditions on September 11<sup>th</sup> by the National Society of the Sons of the American Revolution. Mrs. Carter asked Chief Duffy to give the award to the officers.

Mrs. Hull adjourned the meeting at 8:32 pm.



Respectfully Submitted,

Sandra Brookley Zadell  
Secretary

**Approved May 24, 2022**

/djl