

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

PUBLIC MEETING WORK SESSION NOTES

July 11, 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 item # 21, 23 and 30. The decisions are included in these minutes.

1. Call to order

The July 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 E. Van Rieker.

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 (via Zoom)
Liz K. McNaney	Commissioner
Martha A. Simelaro	Commissioner
Ruth S. Damsker	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
E. Van Rieker	Zoning Officer

Mrs. Hull sadly announced the passing of former Commissioner Jim Santi. She said Jim gave an incredible amount of time to Upper Gwynedd having served on the Board of Commissioners for 40 years. In those 40 years, he served as Board President for 17 years and Vice President for 9 years. His main areas of focus were land development, code enforcement and zoning department in which he worked with the Planning Commission and Plan Review Committee extensively. Jim was so dedicated to the Planning Commission, that at times it felt like he was their tenth member. He also served as the liaison for Public Safety for several years. One of his most memorable accomplishments was single-handedly convincing the County to contribute a significant amount of money towards the railroad bridge and widening of Sumneytown Pike project. Mrs. Hull said she remembered her time serving with him as someone who wasn't afraid to speak his mind and being very committed to doing what he believed was best for the Township. He gave so much of himself to our community, that we will always be indebted to his dedication. On behalf of the Upper Gwynedd Township Board and staff, we would like to extend our deepest condolences to his family and friends. A moment of silence was held in remembrance of Jim Santi.

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4. Streetlight Procurement Program Presentation

Presented by Mike Fuller of Keystone Lighting Solutions.

Mr. Fuller stated the design phase was approved early this year. The next step will be approval of the construction phase. The benefits of the program are a reduction of energy consumption and cost by 50% – 75%. The operating cost savings will exceed the project costs resulting in an excellent return on investment. This program was put together by DVRPC to join other municipalities together to lower the costs of the program. There are currently nine (9) municipalities participating in Round 3 of the program but with costs associated with Round 2. He went on to say we are now at the end of the Project Development Phase. We have 120 unmetered streetlights that will be replaced with an LED "cobrahead" and will reuse the existing arm. The decorative lighting at West Point Pike and Parkside Place will be added to the unmetered streetlight inventory for a total of 174 lights. A retrofit kit will replace the existing lighting on these decorative lights. This program offers some advanced control options, manual fixture control or network control system. PECO currently owns the fixtures, and we have to buy them from PECO. This program has a lower cost associated with the buy out and 3rd party maintenance contractor. There is \$0 cost associated with buying the lights back from PECO because of depreciation. Total net project cost is \$62,013 for the manual controls with a 3.6-year payback and \$91,418 for the network controls and a 5-year payback. After the project is paid for it will save the Township over \$280,000 over the next 20 years. The next steps if Phase 3 is approved, is to begin the buyback procedure which is a 2–4-month process. The program is expected to be completed in the 1st quarter of 2023.

Fred Hencken, 802 Clover Dr. asked if the decorative lights would be on a different system than the cobraheads to which Mr. Fuller replied they would not be part of the control system.

5. Density Impacts & Recent Development Trends (Presentation by E. Van Rieker)

Residential density is DUA or dwelling units per acre. Mr. Rieker presented a density comparison chart and their impact on some zoning districts and selected the most commonly used zoning districts in the Township. He stated that 92% of all housing has been built since 1950 and 70% of all housing has been built since 1980 in Upper Gwynedd. Residential density manifests as low-profile building, 2 stories or less and is the majority of housing in Upper Gwynedd. There are two exceptions, Brittany Point and the apartments at the Reserve at Gwynedd. R2 is the single largest district in the Township with 2 dwelling units per acre (single family homes). R3 / R4 has 4 DU per acre (twins/townhomes). GA are Garden Apartments that are 8 DU per acre and precedes 1980 and IN (institutional) has 4.8 DU per acre and is a mix of dwelling types to include retirement options. He said that while dwelling units go up some impacts go up as well, but some are decidedly lower. Mr. Rieker added, since 1980 – 75% of housing or over 1300 units was born out of a change from LI (Limited Industrial) to some form of Residential. He presented a chart of the History of Zoning Map Changes from 1980.

Carl Smith, 815 McIntosh Ln. asked what the circumstances were surrounding the developments on the list that caused the change from LI to Residential. Mr. Rieker replied that Gwynedale and Stonegate resulted from a downgrade to the Martin Century Farms and their dairy operation. The passage of certain decisions by the PA Supreme Court required municipalities to accommodate for all types of housing, which created the influx of townhomes.

Fred Hencken asked about getting more recent data than 2010. Mr. Rieker said it is not available and noted the census bureau is providing less and less data as is the school district because of privacy reasons. Mr. Hencken also asked about Station Square. Mr. Rieker said Station Square resulted from the request of an applicant. He added a lot of uses could have been made of the property. The applicant agreed to clean up the site as it was Super Fund site.

Glen Hatfield, 1416 Cathy's Lane – asked if we should be going through impact studies before considering a zoning change.

6. Recognition of John Brinkmann for 25 years of service to the Township (July 19)

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7. Announcement of Executive Sessions

Ms. Gallagher said the Board met in Executive Session on July 6 to discuss matters of personnel and collective bargaining and prior to this meeting to discuss matters of personnel.

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

Mrs. Hull said this is a forum for residents to make public comments. It is not a question-and-answer section. The sign-up sheet now has room for phone number and email so if you have a pressing question, we will respond to you with an answer that is correct and complete. She added, we are not trying to discourage you from asking questions, relating to a specific agenda item and if we don't have the answer readily available, we will reach out to you at a later time.

Tom Borneman, 722 Green St. chairman of Republican Committee. He said he is coming to the meetings because all that you are doing is wrong and you are part of a national agenda. He wants the community to know that what you are doing is not what the majority of residents want for Upper Gwynedd Township.

Carl Smith, 815 McIntosh Way has concerns about the converting LI to high density housing and said we don't get clear answers from the board.

Linda Smith, 815 McIntosh Way said the residents don't want any more development in the township and said taxpayers should decide on high density housing.

Ms. Gallagher reminded everyone that this section is for public comments, and we are not required to answer questions if we don't have the answers readily available. She added you may direct staff or myself to answer questions.

Fred Hencken, 802 Clover Dr. said we want answers in a public setting so we can get the information out to the residents.

Ms. Gallagher said Mrs. Zadell was correct when she said we must consider all land development applications. When a land development proposal is submitted to the Township, we are required by the Municipalities Planning Code to hear those proposals of land developments and consider the application within a certain time frame. She added, we do not propose developments to applicants.

Tom Borneman – asked when we can get answers to questions in a public setting.

Mrs. Hull offered several options for response.

Mike Fellmuth – 112 Cardinal Way – said all comments should be directed to the chair to keep civility.

9. Public Hearing – Ordinance 2022-02 – July 19th 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 195 – "Zoning," at Section 10.2 - "Sumneytown Pike In-Fill and Traffic Management Overlay District".

Brief explanation by Lauren Gallagher, Township Solicitor

Exhibits:

T1: Ordinance 2022-02

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- T2: Proof of Publication of Legal Advertisement – June 28 and July 5, 2022
- T3: UGT Planning Commission Review Letter
- T4: Montgomery County Planning Commission Review Letter

- 10. Request for public comment
- 11. Close of Public Hearing
- 12. Approval of Ordinance 2022-02, Repeal of Sumneytown Pike In-Fill and Traffic Management Overlay District

Mrs. Zadell explained there is no map associated with this zoning regulation, so the zoning officer recommended we repeal it as it pertains to no parcels of land.

Departmental Reports

- 13. Planning and Zoning Report (E. Van Rieker)

As reported by Van Rieker

- **Proposed Zoning Map Amendment, 375 Morris Road** – Presently zoned: LI – Limited Industrial. Proposed zoning: IN Institutional. (Former ACTS Corp. Offices). The UGT Planning Commission recommended approval on April 13, 2022. Approved by the BOC on June 7, 2022. They will amend the deed restriction on the property.
- **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. There is nothing further regarding this proposal and if further information becomes available, it will be discussed in a public setting.

Carl Smith – 815 McIntosh Way, asked if this is high density (re: 1500 Pennbrook Parkway). Mr. Rieker said the TOD (Transit Oriented District) is 11 units per acre and he would anticipate the traffic impacts to be similar to the garden apartments. A TOD is built in close proximity to transportation. Mr. Smith said this is low-income housing. Mr. Rieker said it is moderate-income housing and it will provide a balance of affordable housing in the Township. Ms. Gallagher said the ordinance and application has not been seen yet and it is inappropriate and immature for the Board to make any comments.

Linda Smith, 815 McIntosh Way asked when this all began. Mr. Rieker said the Walters Group approached the PRC about 10 – 12 months ago. He added that the text and map amendment would be an overlay. It will still be zoned LI, but would have an option to build residential on this 4.1 acre parcel. Mrs. Smith said we've already fulfilled the housing expectations in the Township. She said the residents are supporting this township and wants to keep it the way it is.

Mrs. McNaney asked how developers decide on certain land. Mr. Rieker said developers' field certain sites and they recognize the characteristics of a good community with good schools so that is why Upper Gwynedd was approached by the Walters Group after they reviewed the Comprehensive Plan. Mr. Rieker said this is the only vacant piece of land within a half mile that would qualify under the ordinance and meet the conditions. At this time, the Board has not seen the application. Mrs. Zadell said sometimes it takes years before something actually happens for the Board to consider. She added that she will send the Municipalities Planning Code to Mr.

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Smith. Mrs. Zadell went on to say we have 90 days to respond to applications for land development. This application does not have a 90-day requirement because it is a zoning change only and not land development. We are taking our time, so we can hear from residents as well. It will never come before the Board as a surprise. There will be formal notices before the Board takes any action. Ms. Gallagher added that any zoning change will be advertised, the tract will get posted, neighbors are notified per the Municipalities Planning Code.

Fred Hencken said most residents don't know what goes on in the township, so it is important to get this information out in the public.

Mrs. Smith said she wants to be able to give people answers to the questions she poses and appreciates the opportunity tonight. Mrs. McNaney commented that if you don't get an answer, it isn't because the Board is hiding anything, but we don't have all the information that you are asking us to provide. As Mr. Rieker said, this hasn't been formally before the Board yet. Mrs. McNaney added that we also cannot always say something publicly for legal reasons and she realizes how frustrating that can be for residents. Ms. Gallagher commented that answering questions regarding an application that is not yet before the Board is premature and inappropriate.

- **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.
Flip rate request withdrawn, approved on June 28, 2022.
- **ZHB 22-10, 1042 Dickerson Road** – variance to permit driveway turnaround 2 feet from property line where 6 feet is required.
Approved, June 28, 2022
- **ZHB 22-11, 201 Church Rd.** – Special exception to use portion of premises for Day Care
Approved, June 28, 2022
- **ZHB 22-12, 1975 Blue Fox Drive** – Variance to permit shed and sunroom in front yard
Approved, June 28, 2022
- **ZHB 22-13, 1192 Dickerson Rd.** – variance to permit shed in front yard of corner lot.
Approved, June 28, 2022
- **ZHB 22-14, 322 Gosling Dr** – Variance to permit 1% increase in building coverage to permit a rear yard shed.
This is scheduled July 26, 2022

14. Engineering Report (Isaac Kessler)

As reported by Isaac Kessler

- **MS4 Program** – the 2021-2022 reporting period concluded on June 30th. Preparation of the Township's Annual Report to the DEP along with our stormwater ordinance updates being completed for this fall. The DEP has sent out some updates that need to be clarified in our policies.
- **Road Program** – Preconstruction Meeting held and Notice to Proceed to be issued upon Liquid Fuels project approval by PennDOT, which is expected within the next few days. We will work with contractor and Township staff to complete the work as described in the contract with fluctuating asphalt and fuel costs. The goal is to complete this prior to the start of the school year.

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Denise M. Hull, PRESIDENT Finance/Personnel/Administration

15. 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

16. Special Meeting Minutes of June 7, 2022

This will be placed on the consent agenda

17. Public Meeting Minutes of June 13, 2022

This will be placed on the consent agenda

18. Public Meeting Minutes of June 21, 2022

This will be placed on the consent agenda

19. Approval of the Township Manager to execute an agreement with GOVHR for a non-uniform comprehensive salary study.

Mrs. Zadell said we have been looking at our staff salaries to make sure they are competitive with surrounding municipalities so we can work on next year's budget. This will give us a minimum, median and maximum salary for each position.

20. Approval of the 63-month lease agreement with Key Business Solutions for postage meter services in the amount of \$130.00 per month

Mrs. Zadell said our Finance Director is always looking for savings and this will save several thousand dollars over the course of the lease.

21. **DECISION:** Motion to approve the agreement between Upper Gwynedd Township and Employee #47

Mrs. Zadell said this is a confidential item as it relates to personnel matters.

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

Katherine D. Carter, Vice President Public Safety

22. Authorization to advertise Ordinance 2022-04, Drug Paraphernalia

Mrs. Zadell said the Police routinely encounter people with small amounts of marijuana and related paraphernalia. Officers opted to charge persons with the summary offense of disorderly conduct instead of a misdemeanor charge. This amendment to the Ordinance would codify it so the police aren't making a judgement call.

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Chief Duffy said this will give us a more appropriate summary section for minor paraphernalia. Small amounts of drug paraphernalia will result in a fine and larger amounts where sales is involved will still result in a misdemeanor charge or a felony charge.

23. **DECISION:** Motion to ratify Resolution 21-2022 granting Officer John Brinkmann acceptance into DROP (Deferred Retirement Option Plan) effective July 1, 2022.

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

Ruth S. Damsker Zoning/Planning/Code Enforcement

24. Merck & Co. waiver request from Chapter 113-1 & 124-5 for after hours crane work for B81 Steam Rack Project – One Sunday between August 14 and September 25, 2022

This will be placed on the consent agenda

25. Approval of escrow release #1 for Wheatley Walk in the amount of \$69,087.25

This will be placed on the consent agenda

26. Approval of Resolution 22-2022, granting the waiver of Land Development for Merck & Co. B02P Boiler 11 addition, subject to the conditions set forth in the resolution

Mrs. Zadell said this project qualifies for a waiver of Land Development per our ordinance.

27. Authorization to amend the Declaration of Covenants & Restrictions for MCIU/ACTS dated August 19, 1988 to include education purposes and facilities as set forth in the proposed draft amendment

Mrs. Zadell said we are still working out the details with the applicant and this may be available for next week or it may be held until August.

28. Approval of the SBMP O&M agreement for 923 S. Broad Street

This will be placed on the consent agenda

29. Approval of the agreement for Encroachment onto Storm Sewer Easement for 703 W. Prospect Avenue

This will be placed on the consent agenda

Liz K. McNaney Public Works/Parks/Recreation

30. **DECISION:** Motion to approve the agreement for the Haines Run Montco 2040 Grant award

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

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31. Approval of Resolution 20-2022, Phases 3 & 4 of the Streetlight Procurement Program

32. Fuel Bid Award

Mrs. Zadell said we are still reviewing the bid and will have information for next week's meeting.

33. Approval of Resolution 23-2022, requesting grant funding from DCED for the Pennbrook Middle School/Gwyn Nor Elementary Safe Routes to School Trail

Mrs. Zadell stated this is part of our PECO Powerline Trail which was recently approved by PECO. This grant does not require any matching funds. It is a safe route because of the 10-12' wide path that is ADA compliant and crosswalks that connect schools to neighborhoods.

34. Authorization to advertise the bid for the Newport Lane Basin Retrofit Project

This is a project of the Skippack Watershed. Mr. Kessler said we partner with Merck on many of our stormwater projects. This will meet many of the reduction goals for pollutants into the waterway.

35. Authorization to advertise Ordinance 2022-05, updating the Stormwater Management language for the MS-4 program

Mr. Kessler said DEP has updated language with regards to maintenance and operation of stormwater management. We are also updating the information for the two (2) watersheds within the Township. This is a requirement for all municipalities.

36. Approval of the Bid Award to KBC Construction, LLC for the Dickerson Road Drainage Improvements Project for the base bid in the amount of \$359,670 and the alternate bid for \$11,150

Mrs. Zadell stated this came from a call from residents to improve the drainage on Dickerson Road and has been reviewed over the past two (2) years. This project came in over budget, but funding from Public Works was shifted from a vehicle purchase to this project. It is an installation of a larger water conveyance system. Mr. Kessler said this project will greatly improve the drainage system in the area.

Martha A. Simelaro **Wastewater Treatment**

37. Approval of amended Change Order #2 from BSI adding \$6,990 for the WIP pump stations electrical work bringing the total change order to \$22,790

This will be placed on the consent agenda

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Other Business

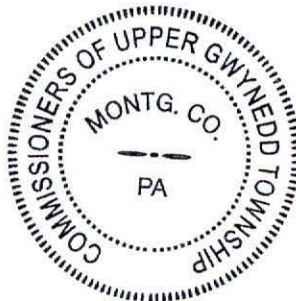
38. Approval of July 2022 Open Invoices (via roll call vote)
39. Approval of July 2022 Paid Invoices (via roll call vote)
40. Call for Adjournment

Mrs. Carter gave a shout out to our Police Department. She announced that Officer Fred Lynch is currently at Pennsylvania State Police Camp Cadet where he is working alongside with State Troopers and other local officers who administer the program. Camp Cadet is open to youth 12 to 15 years old and focuses on discipline, self-esteem, teamwork, drug and alcohol education, violence prevention and many other issues facing today's youth. This is Officer Lynch's 11th year with Camp Cadet.

Deputy Chief Ted Caiola has been nominated to attend the FBI National Academy and expected to attend the 284th Session this Fall in Quantico, Virginia. The FBI National Academy is a 10-week course of study for U.S. and international law enforcement commanders nominated by their agency heads because of demonstrated leadership qualities. The program provides coursework in intelligence theory, terrorism, management science, law, behavioral science, law enforcement communication, and forensic science. There is also an intense physical training component. Only about 1% of law enforcement officers get to experience the FBI National Academy. Prior Upper Gwynedd graduates include Chief Duffy (2004) and Sergeant Gillen (2012). We are excited to have Deputy Chief Caiola represent us at this prestigious school!

Mrs. Hull said the Corpus Christie Girl Scouts purchased trees from our Arbor Day sale from their cookie sales and they planted the trees in a prayer garden. Kudos to the girls!

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



Respectfully Submitted,

Sandra Brookley Zadell
Secretary

Approved August 16, 2022

/djl