

UPPER GWYNEDD TOWNSHIP BOARD OF COMMISSIONERS

BOC BUSINESS MEETING MINUTES

June 20, 2023

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

1. Call to order

The June 20, 2023, Public Meeting of the Upper Gwynedd Township Board of Commissioners was called to order by Vice President of the Board, Katherine D. Carter at 7:00 PM. This meeting was recorded and visually taped.

2. Pledge of Allegiance

The Pledge of Allegiance was led by Shannon McCormick.

3. Roll Call

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

Katherine D. Carter	Vice President
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

President Denise Hull was absent.

4. Announcement of Executive Sessions

Ms. Gallagher said there were no Executive Sessions to report.

5. Pride Presentation – Shannon McCormick, Board member of MC LGBT Business Council

Ms. McCormick is the Community Outreach and Events Coordinator for the Montgomery County LGBT Business Council. She thanked the Commissioners for raising the pride flag. She said the flag represents a sign of safety and those places where the flag is flown says it is a safe place where she won't be judged. She said the LGBT Business Council mission is to offer networking, social and business opportunities for the LGBTQ+ business professionals and allies in the community. The council offers numerous resources, including job training and a business gateway on their website. They also host many events throughout the year to celebrate diversity. Ms. McCormick also said the LGBT Business Council offers cultural competency seminars.

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6. EAC Presentation: Herbicide/Pesticide List

As reported by Scott McCartney, co-chair of the Environmental Advisory Council

Mr. McCartney said the EAC meets monthly to discuss environmental issues such as stormwater, natural resources, renewable energy, sustainability and public outreach and education. He said the EAC hosted a tree giveaway in April for Arbor Day with over 200 trees, plants and bushes given to residents. They recently hosted their third rain barrel workshop which was again sold out. Mr. McCartney said the committee discussed herbicides and pesticides to educate residents on the impact of improper use of these chemicals on the environment. He added the memo includes the means in which they are used by the Township. Mr. McCartney stated that 90% of stormwater goes directly into the creeks and environment without any pre-treatment. He added that the EAC will host a Composting Workshop and a Zero Waste Workshop in the fall.

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

Carl Smith asked if Joe Clement or the Walters Group had any influence on the development of the UGT Comprehensive Plan. Mrs. McNaney said no. He also asked if there are any other properties within the limits of the TOD plan that qualify for future residential development. Mrs. McNaney replied no. Mr. Smith made further comments about development in Lansdale.

Viraf Jacob expressed his opinions on several topics including increased crime in the North Penn area, high density/affordable housing, repurposed properties, zoning and Lansdale residents expressing their opinions.

Pat Pino commented about the Constitution and how it relates to the Walters Group. She said the money the Walters Group receives is from taxpayers' money.

Linda Camburn has lived in the Township for 45 years and worked very hard as a single parent and said if she can do it, anyone can do it. She feels let down and feels her neighborhood will be severely affected by the development (Walters Group).

Renee Armstead, asked how many of the commissioners are for this development. Mrs. Carter and Ms. Gallagher said no decisions have been made and this won't be before the Board until after the Planning Commission has reviewed it. She asked what kind of abatement the Walters Group is getting. Mrs. Zadell said the Walters Group is part of the LIHTC for low-income tax credit through banks. They are getting nothing from the Township. Ms. Armstead asked if her local taxes would be affected by this development. Mrs. Zadell said there has been no tax increase in UGT since 2017 but she cannot speak for the school district and county or whether there will be future tax increases. Ms. Armstead also asked if some of the current apartments can be used as affordable housing instead of using up all the green space in the Township.

Diane Bancroft (via phone) said she is on a fixed income and stated there is a need for social programs and affordable housing.

Departmental Reports

8. Manager's Report (Sandra Zadell)

As reported by Township Manager, Sandra Zadell

Mrs. Zadell spoke about the fiscal responsibility we are practicing at the Township and how maintaining a low tax rate is very important to our residents and staff. She said changes have been implemented over the past couple of years to make sure we are as efficient as possible.

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- Consolidated debt to receive a more favorable interest rate which saved \$65,000
- Upgraded Parks and Rec software in order to collect money immediately from residents which has resulted in a higher collection of fees
- We modified our trash contracts for the municipal buildings which saved \$27,000
- We changed our IT vendor which saves \$15,000 annually
- We converted our streetlights to LED which will save the Township over \$250,000 over the next 20 years
- We actively seek grant money for projects which has resulted in the acquisition of \$2.4 M in grants received to help fund the feasibility study for walking trails, illuminated signage, a Parks and Rec master plan, replacement of Sumneytown Pike Bridge and the Haines Run Streambank Restoration Project.

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

As reported by Zoning Officer, Van Rieker

- **ZHB 22-21, 1601 Valley Forge Road (Wawa).** Special Exception to permit the sale of gas and other motor fuels and variances to permit additional signage [and less than 10% of the parking lot to be devoted to landscaping.] This variance has been withdrawn. Started December 2022, testimony concluded April 4, 2023.

This was approved on May 23, 2023 for the sale of gas and additional signage.

- **1500 Pennbrook Parkway, Walters Group** – TOD-2 residential development. Proposed zoning map overly amendment. (60 DU on 5.7 acres).

This was heard by the Planning Commission and was continued to July 12. Mrs. McNaney said a lot of residents have reached out to her to discuss this development. She said her mind is not made up about the plan and is still listening and learning. She clarified that only zoned LI districts can become TOD. Mr. Rieker said that is correct. She asked if another property that is currently occupied in the area could be used for the TOD. Mr. Rieker said the TOD requirements for the plan are as follows; the property is vacant and undeveloped, within a half mile of the Pennbrook train station and between 4 – 8 acres. He said the Walters Group Property is the only property that meets the criteria for TOD 2. Mr. Rieker said the ZHB is basically an appeals court and hears cases for relief and not to make legislative decisions. Sometimes they hear variances, special exceptions and challenges to the zoning code and sometimes use variances but they are rare and it is usually not the route an applicant would take as it is the most difficult variance to be granted. Mrs. McNaney asked if this gives the Board more control on how the property is developed. Mr. Rieker said this development will need conditional use approval and full land development approval.

Linda Smith asked if there is an existing structure that is demolished if it meets the criteria? Mr. Rieker said no.

Carl Smith asked if there is an official overview of the parcel. Mr. Rieker said he reviewed this and there is only one property that meets the criteria.

- **ZHB 23-13 – 712 S. Towamencin Avenue** – Variance to permit a height of 17ft. 7in. to the roof midpoint where a maximum of 14 ft. is permitted for the construction of a detached garage.

This was approved on May 23, 2023

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- **ZHB 23-14 – 212 Church Rd.** – Special exception to permit the construction of an additional building for self-storage use or, in the alternative, a use variance to permit the same.

This was approved on May 23, 2023

- **ZHB 23-15 – 1249 Scobee Drive** – Variance to permit a rear yard setback of 44 ft. where 50 ft. is required for an elevated deck.

This was approved on May 23, 2023

- **ZHB 23-16 – 203 Church Rd.** – zoning relief for the construction of two warehouse buildings with a total of 166,625 sq. ft. (1) – a variance to permit the building setback from a residential district of 167 ft. where a minimum of 200 ft. is required. (2) – a variance to allow a driveway setback from a residential district to be 54 ft. where a minimum of 100 ft. is required and (3) – a variance to allow 185 parking spaces where a minimum of 667 parking spaces are required. Property is zoned LI (Limited Industrial).

This was approved on May 23, 2023

- **ZHB 23-17 – 1258 Jarvis Lane** – Variance to permit a rear yard setback of 34 ft. where 50 ft. is required for a screened and roofed porch.

This was approved on May 23, 2023

- **ZHB 23-18, 407 Carmichael Drive** – variance to permit unroofed deck 38.55 feet where 50 feet rear yard is required

This will be heard on July 25, 2023

- **ZHB 23-19, 825 Ridgeview Drive** – variance to permit rear yard of 32 feet where 50 feet is required for an elevated roofed deck

This will be heard on July 25, 2023

- **23-20, 783 Keith Lane** – variance to permit 4 ft high fence to be located within the clear sight triangle at intersection with Barry Avenue.

Our traffic engineer reviewed the plan and said there is no problem with sight distance.

- **645 Sumneytown Pike**, minor 2-lot subdivision resubmitted for final plan approval

This may be up for Board approval in July.

10. Engineering Report (Isaac Kessler)

As reported by Township Engineer, Isaac Kessler

- **Road Program** – work has begun with concrete ADA curb ramps; milling and paving operations are scheduled to begin June 26th. Please follow posted signs for temporary no parking and be mindful of traffic controls around work areas.

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Mrs. Zadell said a resident asked why we rip up perfectly good ramps and replace them. She said it is to comply with the current ADA requirements.

Mrs. McNaney asked how the Meadowbrook Lane Project is fairing now that we've gotten some rain. Mr. Kessler replied the work was completed and the swale is working as designed. He added we've received positive feedback from the area residents.

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

11. Motion to approve the Staff Department Reports

Hearing no public questions or comments, upon motion by Mrs. Simelaro, seconded by Mrs. Damsker, the motion to approve the Staff Department Reports was unanimously approved.

12. Motion to approve the Public Meeting Minutes of May 9, 2023

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

13. Motion to approve the Public Meeting Minutes of May 22, 2023

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

14. Motion to accept and authorize the Township Solicitor to sign the Tax Assessment Appeal Settlement

Ms. Gallagher said this is from 2021 and the North Penn School District negotiated a settlement for 880 Allentown Road. The proposed settlement will provide the Township tax revenue increases in the amount of \$3937 for 2022 and \$2,851 for 2023.

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

15. Motion to appoint Frank Schwartz to the Human Relations Commission

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

16. Motion to appoint Mark Smith to the Environmental Advisory Council

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

Mrs. Zadell said both of the appointees are residents as it is a requirement to be on a Board or Commission.

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

17. Motion to approve the retirement agreement between Officer #47, the Upper Gwynedd Township Police Association and Upper Gwynedd Township.

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

18. Motion to approve the honorable discharge of Badge #47 from the Upper Gwynedd Township Police Department

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

19. Motion to approve the Adoption of the Montgomery County Hazard Mitigation Plan

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

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

20. Motion to approve WB Homes/Wheatley Walk Escrow Release #3 in the amount of \$63,185

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

21. Motion to ratify the Merck waiver request for relief from Chapter 124-5 and 113-1 for afterhours construction on West Point Pike to perform road opening, excavation, pipe installation and paving work for a new water main. June 5 – 9 and June 12 – 16, 2023.

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

22. Motion to approve the Merck waiver request for relief from Chapter 124-5 and 113-1 for Extended Work Hours from July 3 – December 31, 2023 for general site work.

Mr. Landis clarified it is for WP63A. He added that we ask for a waiver for a longer period of time because we don't know how long it will take to complete the project.

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

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Liz K. McNaney Public Works/Parks/Recreation

23. Motion to ratify the approval of the 2023 concession stand lease contract with Little's Ice Cream and Water Ice.

This is for a new business that is running the concession stand for 2023.

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

24. Motion to approve the RideAtaxia FARA Philly Bike Ride on Sunday, October 8, 2023 from 8 am – 1:30 pm.

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

25. Motion to approve the Stormwater Best Management Practices O&M agreement for 1245 Jarvis Lane.

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

26. Motion to approve Payment #1 to Armour & Sons for the Streetlight Procurement Program in the amount of \$66,476.25

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

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

27. Motion to approve Payment #2 for the Newport Lane Basin Retrofit to Stonewood Landshaping, Inc. in the amount of \$6,615.

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

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

28. Motion to approve the order of the 2024 E-450 Cutaway Chassis from CoStars Vendor Bergey's Ford in the amount of \$44,685

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

29. Motion to approve the release of the RFP for the Parks & Rec Comprehensive Plan in order to advertise for a bid

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

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Martha A. Simelaro Wastewater Treatment

Mrs. Simelaro reminded residents not to flush any wipes down the toilet and to be careful about what goes into the sewer pipes.

Other Business

30. Approval of June 2023 Open Invoices (via roll call vote)

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

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

31. Approval June 2023 Paid Invoices (via roll call vote)

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

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

32. Call for Adjournment

Mrs. McNaney announced her scheduled office hours on July 12 from 1 – 2 pm and on August 14th from 6:30 – 7:30 pm. She added that Unplugged Week was a huge success and she encouraged residents to enjoy the summer concert series.

Mrs. Carter thanked everyone for participating in Unplugged Week and adjourned the meeting at 8:40 pm.



Respectfully Submitted,

Megan Weaver
Megan Weaver
Assistant Secretary

Approved July 18, 2023