

6:30 PM I Public Hearing on Intermunicipal Transfer of Liquor License – Redstone American Grill, Inc.

**STATED MEETING AGENDA
UPPER DUBLIN TOWNSHIP BOARD OF COMMISSIONERS
TUESDAY, APRIL 12, 2022 7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CORRESPONDENCE AND ANNOUNCEMENTS

Public Hearing on Zoning Text Amendments to the MHD Mobile Home Development District on May 10, 2022

PRESENTATION

Presentation of Life Saving Certificate Officer Donald Thomas
Status Update on 801 Loch Alsh Avenue Insurance Claim

COMMITTEE REPORTS

Economic Development & Finance Committee, next meeting Tuesday May 3, 2022
Public Safety, Works & Services Committee, next meeting Tuesday May 3, 2022
Planning, Parks & Library Committee, next meeting Tuesday, April 26, 2022

MUNICIPAL AUTHORITY REPORT

STANDARD BUSINESS

- A Move to accept the minutes of March Stated meeting without reading.
- B Move to approve the Tax Collector's Report for the month of March.
- C Call on Township Engineer for his report.
- D Call on the Manager for his monthly report, Questions, Move to accept.
- E Move to accept the disbursements from the various Township accounts for the month of March.

DISCUSSION ITEMS

- F Discuss Zoning Hearing Board Cases & Planning Commission Agenda for April.

PUBLIC COMMENT/QUESTIONS – ITEMS NOT ON AGENDA

ACTION ITEMS

- H Consider motion to approve employment agreement for new Township Manager.
- I Consider action on Resolution #22-2458 for Intermunicipal Transfer of Liquor License for Redstone American Grill, Inc.
- K Consider motion to approve Resolution #22-2459 for Preliminary Land Development 1250 Virginia Drive.
- L Consider motion to approve Witt O'Briens, a Disaster Recovery Consultant.
- M Consider motion to approve Short-Term Lease for MCLINC at 520 Virginia Drive.
- S Consider action on appointment to Historical Commission.

NEXT MEETING Tuesday, May 10, 2022 7:00 PM

ADJOURN to Executive Session to discuss personnel matters.

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, April 12, 2022, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Ira Tackel presiding following a Public Hearing at 6:30 PM for Intermunicipal Transfer of Liquor License, Redstone American Grill, Inc.

In attendance were Commissioners Ira Tackel, Liz Ferry, Alyson Fritzges, Meredith Ferleger and Gary Scarpello. Commissioner Cheryl Knight attended via Zoom. Absent was Commissioner Robert McGuckin. Also present were Terry Fedorchak, Interim Township Manager; Jonathan Bleemer, Assistant Township Manager and Finance Director; Tom Fountain, Township Engineer; Gil High, Township Solicitor; and Chief of Police, Fran Wheatley.

PLEDGE OF ALLEGIANCE:

Mr. Tackel dispensed in reciting the pledge of allegiance to the flag as it was done previously at the Hearing.

ROLL CALL:

Mr. Tackel called the roll and received responses that five of the Commissioners were in attendance and Commissioner Knight attended via Zoom.

CORRESPONDENCE AND ANNOUNCEMENTS:

Mr. Tackel announced that there will be a Public Hearing on Zoning Text Amendments to the MHD Mobile Home Development District on May 10, 2022.

PRESENTATION:

Chief Wheatley presented a Life Saving Certificate to Officer Donald Thomas for his efforts in helping save Cristin Lyon's life on January 13, 2022.

David Horowitz, Young Adjustment, and Arif Fazil, D'Huy Engineering, presented a status update on the 801 Loch Alsh Avenue insurance claim, highlighting a significant difference in repair estimates between the township's insurance carrier and the township's engineers.

Mr. Tackel: If you are saying they are acquiescent to bringing the roof up to code today, and the next line item for code improvements is \$0. We have a policy and doesn't that policy imply clearly that an occurrence like this trigger us to bring the building up to code.

Mr. Horowitz: It is my opinion, yes, we do. There is a question on the insurance side as to what extent of damage it falls into and what part of the code applies in this situation. There is a significant discrepancy currently and we are in the early stages of reviewing that.

Mr. Tackel: Are we in an understanding with DVIT that all costs for the rental and Police Department are covered?

Mr. Horowitz: Those costs are covered and ongoing.

Ms. Fritzges: Is their argument that we don't have to come up to code?

Mr. Fazil: Their argument is regarding the National Existing Building Code. The code is clear when it is a replacement then code updates are required. When you just repair, you don't have to comply with existing building code requirements.

Mr. Tackel: That depends on the extent of the repair and if the repair is more than 50% of what you are doing the logic says it would be a replacement. When do we say enough is enough and start to bring in attorneys?

Ms. Fritzges: How did their estimate go down?

Mr. Horowitz: There was a breakdown in their estimate. When we get to that point, we will suggest legal counsel.

Ms. Ferry: When will that be?

Mr. Tackel: We are reaching a point of frustration with MKA and DVIT.

Mr. Horowitz: Once we receive the information we need, we will be scheduling another reconciliation meeting to discuss the difference. We either reconcile or we look to arbitration.

Dr. Scarpello: What is the timeline?

Mr. Horowitz: Within 30 days.

Ms. Ferleger: In your experience with this size discrepancy, have you seen where the gap is closed enough that both sides agree? I remain skeptical.

Mr. Tackel: To make the township whole it will require an infusion of capital.

Mr. Fazil: Yes.

Ms. Fritzges: How soon before we get to the bottom line?

Mr. Horowitz: At least 60 days maybe sooner for next steps.

Dr. Scarpello: Structurally is the building sturdy enough to withstand repair?

Mr. Fazil: We had done a lot of structural reports, structurally the building is sound.

Mr. Tackel moved to first Action Item Tab H – Consider motion to approve employment agreement for new Township Manager, minutes to reflect below.

COMMITTEE REPORTS:

Economic Development and Finance Committee (EDF):

Ms. Fritzges reported that they did not meet this month. The next meeting will be May 3, 2022.

Public Safety, Works and Services Committee (PSWS):

Ms. Fritzges reported that they did not meet this month. The next meeting will be May 3, 2022.

Planning, Parks and Library Committee (PPL):

Ms. Ferleger reported that they did not meet this month. The next meeting will be April 26, 2022.

Municipal Authority Report:

Mr. Bleemer stated there was nothing to report.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the March Stated Meeting without reading:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the minutes of the March Stated Meeting without reading.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab B – Motion to Approve the Tax Collector’s Report for the month of March 2022:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the Tax Collector’s Report for the month of March 2022.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab C – Call on Township Engineer for his Report:

Mr. Fountain submitted his written report for the month of March 2022 and highlighted the following:

- Mr. Fountain: Last month Ms. Vitella requested we look into light pollution at St. Mary’s. It seems these are interior not exterior. I will put a request in to turn off the interior lights at night. Washington Manor, a Paone development, I expect to be complete next month. Dresher Commons will have office building next to it, you can expect to see construction this summer. Sandy Run Middle School will be starting the next phase which will consist of athletic fields this summer. North Hills Manor is nearing completion and I expect to release final escrows soon.
- Ms. Ferry: I have been receiving complaints regarding Mattison Estates and trash. Is there anything we can do?
- Mr. Fountain: I will contact Mr. Fleur to increase the frequency in which they pick up trash.

- Ms. Ferleger: Does the township have construction waste management regulations?
- Mr. Fountain: We have development agreements that can be enforceable. To the extent they aren't cleaning on a weekly basis is not enough for enforcement.
- Ms. Ferleger: Maybe we could look into other municipalities processes.
- Mr. Fountain: I will move forward by contacting Mr. Fleur.

Tab D – Call on Township Manager for his Report:

Mr. Fedorchak submitted his written report for the month of March 2022, and highlighted the following:

Mr. Fedorchak: We had submitted a RACP State Capital item request for the township building. The idea through this grant is to close the funding gap between insurance and the replacement costs. We were notified that it has been added to Senate Bill 915, it is currently in committee and has to go to the floor.

We have been made aware of a PECO project upgrading equipment throughout the area. Work will include installation of new utility poles, wires and some tree trimming work. The township has requested more details on this work. PECO intends on replacing certain poles with 40-45 feet poles and in some cases removing trees. There is a meeting scheduled this Thursday to discuss in more detail.

- Mr. Tackel: I received word from a resident in Elliger Park, where a lot of this work is to occur. We know that area had been devastated by the recent tornado. PECO wants to add insult to injury by removing even more trees. There may be more going on beyond just upgrading power lines, and if that is the case then we definitely need more information.
- Ms. Ferry: I will be attending that meeting.
- Ms. Ferleger: Is this work starting in Elliger Park and then going elsewhere?
- Mr. Tackel: I have been led to believe it could be going to other areas of the township.
- Ms. Ferleger: I recognize we need to be cognizant and aware of what they are doing and their motive. However, if part of the motivation is to improve cell service this could certainly help issues in my ward.
- Ms. Fritzges: Will we be discussing the parking ordinance?
- Mr. Fedorchak: Yes, this will be an agenda item on the May PSWS agenda. The Solicitor will be providing a draft ordinance.

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the Manager's Report for the month of March 2022 without reading.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab E – Motion to accept the Disbursements from the Various Township Accounts for the Month of March 2022:

Ms. Knight motioned, with Dr. Scarpello seconding, to accept the disbursements from the various Township accounts in the amount of \$3,352,805.17 as follows:

Total of Proposed Disbursements	\$1,286,122.86
Estimated Payroll	\$1,200,000.00
Interim Check Run Expenses	\$866,682.31
Grand Total	\$3,352,805.17

VOTE ON MOTION ALL YES MOTION CARRIED

DISCUSSION ITEMS:

Tab F - Discuss Zoning Hearing Board (ZHB) Cases and Planning Commission (PC) Agenda for April 2022:

Ms. Giles stated there would be two Zoning Hearing Board meetings scheduled this month to accommodate the number of applications.

Ms. Giles reviewed the April 25, 2022 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

- **Application #2408 for the property at 1620 Heard Drive in Maple Glen:**
A variance is needed for the construction of a front porch.
- **Application #2413 for the property at 320 Bellaire Avenue in Fort Washington:**
A variance and special exception are needed for the construction of a portico.
- **Application #2414 for the property at 1805 Lewisville Drive in Maple Glen:**
A variance is needed for the construction of a sunroom.
- **Application #2415 for the property at 1600 Shepard Drive in Ambler:**
A variance and a special exception are needed for the construction of a patio area and detached gazebo.
- **Application #2416 for the property at 509 Bellaire Avenue in Fort Washington:**
A variance and a special exception are needed for the construction of a front porch.

Ms. Giles reviewed the May 2, 2022 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

- **Application #2417 for the Temple University Ambler Campus property at 580 Meetinghouse Road:**

A variance is needed for the construction of an 8-foot-high pest deterrence fence, which will be located in the center of the campus, approximately 849 feet from Meetinghouse Road.

- **WITHDRAWN - Application #2400 for the property at 445 Ambler Road in Fort Washington:**

This matter was continued from the February 28, 2022 hearing. As a reminder, the Applicant wishes to expand an existing residential driveway to use in connection with proposed pole barns for a landscaping business. Variances are needed to permit the construction of an industrial driveway in a residential district, and to allow two commercial structures to be placed within 25 feet of an abutting property line. This property is split-zoned A Residential and Employment Center District.

- **WITHDRAWN - Application #2410 and #2411; Appeals of the Zoning Officer's determination for the property at 465 and 445 Ambler Road in Fort Washington:**

The property owners of 465 Ambler Road are appealing the determination of the previous Zoning Officer from December 2021 that Deck, LLC is required to have a 50-foot side yard setback (based upon the adjoining property being zoned EC District) rather than a 100-foot side yard setback (based upon the adjoining property being zoned residential).

Ms. Ferleger: Is there a reason there are so many front porch applications? Is there something wrong with our zoning code?

Ms. Giles: In three of these cases, they were built before the zoning district was established so they are nonconforming and need a variance.

Ms. Ferleger: It seems that maybe the zoning code may need a possible amendment.

Ms. Giles: Yes, we can look into that.

Ms. Ferry: Regarding the Deck LLC application, I would like to make a recommendation to send the Solicitor in opposition.

Mr. Tackel: I do know we have received many resident complaints in opposition. At this point it is a Zoning Hearing Board issue not the Board of Commissioners. I presume as property owner they have certain rights.

Mr. High: There are two issues before the ZHB, one is the setback of a pole barn from the abutting property that is a dimensional variance issue. The second is the use variance for the driveway which provides access from the rear portion of lot to Ambler Road. They have no access to a public road other than through the residential lot. The applicant has agreed to certain conditions regarding the use.

- Mr. Tackel: I respect the Solicitors opinion that it would be difficult for the Board to recommend the ZHB deny this use. I don't know the Zoning Hearing Board is encumbered to grant this variance or use.
- Ms. Ferry: There is a group of residents that have lived in this neighborhood for many years and they don't want truck traffic. We are not opposing the right to have the business there we are opposing the variance making the driveway industrial.
- Ms. Fritzges: I am concerned that I am doing the neighbors a disservice by opposing this because if the ZHB denies this and their attorney challenges this and they get to put in whatever without any conditions. Or if another applicant comes in with a by right use it could be worse.
- Mr. Tackel: The property owner has certain rights and that is contrary to what we would be asking you to do if sent in opposition.
- Mr. High: Correct. The Zoning Hearing Board will weigh all testimony. There is no question that the Zoning Hearing Board will impose conditions. What that condition is will have to be decided.
- Mr. Tackel: To deny this outright would deny the owners' rights.
- Mr. High: The right to use their property as it is zoned.
- Mr. Tackel: It would seem counterintuitive for this Board to request of you to represent us in opposition. The guidance from our Solicitor is that there is not a legal argument to deny, but there is a good argument to impose conditions.

Ms. Giles reviewed the April 19, 2022 Planning Commission meeting agenda that has the following matter scheduled for discussion:

- **Solar Energy Representative Presentation**
The Planning Commission Chair has invited a solar energy representative to talk about new advancements in solar energy.
- **Review Waiver of Land Development for Ambler Borough PFAS Facility at Loch Alsh Reservoir**
Ambler Borough is proposing to construct a PFAS/PFOS water treatment facility at the Loch Alsh Reservoir/Dam at 722 Loch Alsh Road in order to improve the water quality for Ambler Borough and Upper Dublin Township customers. This would involve the installation of a vault, treatment tank, and a building that is approximately 1,100 square feet and 32 feet high.
- **Review of Tentative Sketch Application for 103 Summit Avenue**
The submitted sketch plan details a proposed townhome development that will combine 4

parcels located at 103, 105, and 107 Summit Avenue in Fort Washington. The development would involve the demolition of three existing Class II Historical dwellings listed on the Township's Historic Resource Inventory, which will require review by the Historical Commission. The sketch plan has been submitted to the County Planning Commission and the Traffic Engineer for review, and will also be reviewed by the Township's Zoning and Engineering Departments.

The parcels are located within the CR-L Commercial Retail district, the B Residential district, and the Fort Washington Village District Overlay. They have a combined area of 1.16 acres.

This matter is scheduled for **presentation only** during the April 19 meeting.

- **Review of the final draft of the MHD Text Amendment**

As a reminder, this amendment is related to the proposed development of 72 townhomes at 1840 Norristown Road, which is an 18.3-acre Property located within Upper Dublin Township's MHD Mobile Home Development zoning district. As per Zoning Code Section 255-120.A, any tract within the MHD district shall be used exclusively for either a mobile home development or a compact, pedestrian oriented residential development.

The text amendment proposes to remove the requirements in the MHD district that vehicular access via alleys is provided for at least 85% of the units; that parking access is provided in the rear of individual homes via alleys and rear lanes; and that unenclosed front porches must be included with at least 50% of the dwelling units.

The amendment appeared before the Planning Commission in September 2020 and November 2020, where it received a recommendation of approval with conditions.

At the upcoming Planning Commission meeting, the final draft of the amendment along with comments from the Montgomery County Planning Commission will be reviewed for recommendation. The application will then appear before the Board of Commissioners for formal approval and enactment at the May 10 meeting.

Parveen Akhtar,
420 Ambler
Road: I wrote a letter to the Zoning Hearing Board and I am here asking for your support if you feel appropriate. It is the ZHB responsibility to weigh A. The hardship the local regulations present to the property owner vs. B. The negative impact of the proposed changes. The PA Supreme Court states that variances should be granted only sparingly and only under exceptional circumstances. The petitioner must prove the variance will not be contrary to public interest. Also, a variance will not be granted solely the petitioner will receive economic hardship if they do not receive one. Most importantly no variance could be granted if the purchaser had knowledge of the zoning restriction when the property was purchased.

Ms. Ferleger: With all due respect, that is a gross misstatement of the law behind variances.

Mr. Tackel: The Board recommends you present those arguments to the ZHB.

Ms. Akhtar: What I am hearing is that there is no use in sending solicitor because nothing will come of it.

Mr. Tackel: There is nothing we can do to sway the ZHB anymore than the residents can.

Ms. Akhtar: Isn't the case every time you send your solicitor?

Mr. Tackel: It is very rare. It would be preceded by a cogent legal argument that would put us on solid footing. We are being guided by our solicitor that we don't have solid footing. This Board becomes at risk if we knowingly go against solicitor opinion.

Ms. Ferleger: I think that risk is accentuated because of having two ZHB attorneys on this Board.

Ms. Ferry: I would ask that for the other EC properties within the township, we look at it. Look at what other split zoning do we have and look at correcting it moving forward.

Ms. Akhtar: The hardships about road safety, weight restrictions and other aspects all need to be recognized.

Jacque Eells,
465 Ambler
Road: You have discussed the use variance, but we have not discussed the setback variance.

Ms. Eells continued to read a prepared letter submitted to the Board at the meeting, requesting the Board approve sending the solicitor in opposition to the Deck LLC application at the ZHB meeting.

Ms. Ferleger: What does your zoning have to do with the Decks LLC application?

Ms. Eells: My property is residential and his is EC, I would like a 100-foot setback.

Ms. Ferleger: Is the setback different if her property is B versus EC?

Ms. Giles: If her property is determined by the ZHB to be all A-Residential then the required setback is 100 feet. The applicant is saying they are only required to have 50 feet and they are asking for a variance for 25 feet.

Ms. Fritzges: What have we determined the zoning is?

Mr. High: The question had been raised by Decks Landscaping that the zoning on the Eells property is split zoned. The zoning ordinance says if you are adjacent to

a residential you have to set back of 100 feet for EC, but if you are adjacent to an EC district the setback is only 50 feet.

Ms. Fritzges: Township has had to have made a determination what our position is, what was that determination on what zoning it is and what setback applies?

Mr. High: Evidence will be presented to the Zoning Hearing Board that shows the Eells lot as A-Residential. The argument by Decks is that the zoning line is not the rear property line. That is an issue before the ZHB.

Ms. Ferleger: If they have appealed the determination of the zoning officer does that mean the solicitor has to defend that position?

Ms. Giles: It was the previous zoning officer's alleged verbal determination.

The Board continued discussions regarding Ms. Eells concerns and the 445 Ambler Road application.

Ms. Eells: I request you send the solicitor in opposition to this application at the ZHB meeting. I also request to have a written zoning certification identifying my lot as A-Residential.

Ms. Ferry: Why was that zoning certification denied?

Mr. High: Because it's an issue before the ZHB. To me for the township to enter the picture in this argument as to what the setback should be is not appropriate at this point.

Ms. Ferleger: You have now appealed a determination, the township cannot issue any determination at this point until it has been resolved by the ZHB.

The Board adjourned to Executive Session to consult with the solicitor from which they did return.

Mr. Tackel: I don't think anyone on the Board knows for certain whether the previous Zoning Officer rendered an opinion or not. Based on that his determination is under appeal. The current Zoning Officer may in fact have an opinion contrary to that of the previous Zoning Officer, but this Board is under no position to render a decision. I will not take a position on one being correct or the other, but I think there is compelling evidence to side on one side or the other. All of that will be presented at the ZHB hearing. It becomes up to the ZHB to make a determination, we cannot interfere with that process. This Board has made it clear that given the presented information it would be hard to deny your rights in an A-Residential lot. It would be contrary to law for this Board to issue what you are asking for in writing at this time because it needs to be decided by the ZHB.

Frank King, 400 Orchard Lane: Why haven't the Commissioners rectified the split zoning situation in the township, specifically these three lots. What is the stance of the Board on the 2010 long range planning and the 2040 Montco?

Mr. Tackel: I believe there are only three lots this applies to. Ms. Ferry already suggested that this is something to look into and we will. To my knowledge no one has raised this as a critical issue. Clearly as evidences tonight it is, and based on Ms. Ferry's recommendation we will address.

Mr. King: How about the land use and development of these properties as per the 2010 and 2040 long range plan?

Mr. Tackel: I am not sure that the long-range planning applies in particular. I think the issue is the conflict that arises by the split issue and I don't think one determines the other. We will take that under advisement and look at that moving forward.

Nancy Jennings, 403 Orchard Lane: You are all elected and the Zoning Hearing Board are not?

Mr. Tackel: The Zoning Hearing Board are appointed by the Board.

Ms. Jennings: What I don't understand is after they are appointed, they are not accountable to you.

Mr. Tackel: They are a quasi-independent board with staggered terms. We do not govern their decision-making process.

Ms. Jennings: The disconnect seems too large, you are our representatives but they are not.

Mr. Tackel: It is a Governing Board that we appoint but is quasi-independent. You want that ZHB to be independent.

Ms. Ferleger: We don't make these determinations it is set by PA law.

Ms. Jennings: This EC split zoning is inappropriate for this residential area. We are frustrated with you our elected officials. This is an inappropriate business to have in our neighborhood.

Eileen Seeburger, 285 Wenner Way: My concern is regarding the hearing for 103 Summit, what are we doing? We are going to demolish the beautiful historic buildings? Also next to the Klime House, we are going to build another office building across from an industrial park? Why?

Mr. Tackel: Property owners have rights within the zoning that exists within the township. I will say the 1.16 acres where they are proposing 13 townhouses, they will have quite a hill to climb.

Ms. Seeburger: How many apartments are we planning to build in office park?

Ms. Giles: There is a cap of 900 units.

Ms. Seeburger: How many did we put in Promenade?

Mr. Tackel: 404 units.

Ms. Seeburger: With all of this development, when are our taxes going to go down?

Mr. Tackel: This year, 2022, township taxes did not increase, separate from school taxes. Our expenses as a township never go down. Unless you as a resident are prepared to take a diminution in services our costs go up. They would go up more if it weren't for development.

Ms. Ferry: We do have substantial discussions regarding development within the township. It has been an extreme concern of mine which is why I voted against an apartment development in the office park recently. We do have to weigh the checks and balances. Regarding the services, I think it is a matter of priorities. These are complicated discussions. Upper Dublin is as built up as it can be. We can't keep asking residents to pay more and more each year, I do think services need to be looked at.

Mr. Tackel: These are complicated discussions made with a lot of deliberation.

DISCUSSION ITEMS:

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

None.

ACTION ITEMS:

Tab H – Consider motion to approve employment agreement for new Township Manager (as acted on previously in the meeting):

Mr. Tackel motioned, with Dr. Scarpello seconding, to approve employment agreement for new Township Manager, Kurt M. Ferguson.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab I – Consider motion to approve Resolution #22-2458 for Intermunicipal Transfer of Liquor License for Redstone American Grill, Inc.:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve Resolution #22-2458 for Intermunicipal Transfer of Liquor License for Redstone American Grill, Inc.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab K – Consider motion to approve Resolution #22-2459 for Preliminary Land Development 1250 Virginia Drive:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve Resolution #22-2459 for Preliminary Land Development 1250 Virginia Drive.

Ms. Fritzges: Why do they need these waivers, specifically the BMPs in the flood zone?

Mr. Fountain: The waiver for the ground water recharge is because the soils under where the BMPs are being installed is somewhat saturated to the extend it won't infiltrate within the 24-48 hours as prescribed by the ordinance. They are asking for relief to infiltrate over a longer period of time.

Ms. Fritzges: So, you are ok with all of these?

Mr. Fountain: Yes, all of these waivers have been thoroughly vetted.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab L – Consider motion to approve Witt O'Briens, a Disaster Recovery Consultant:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to approve Witt O'Briens, a Disaster Recovery Consultant.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab M – Consider motion to approve Short-Term Lease for MCLINC at 520 Virginia Drive:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve to approve Short-Term Lease for MCLINC at 520 Virginia Drive.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab S – Consider action on appointments to Historical Commission:

Mr. Fritzges motioned to appoint William Thompson to the Historical Commission for a three-year term ending December 31, 2024.

Dr. Scarpello motioned to close.

VOTE ON MOTION ALL YES MOTION CARRIED

Mr. Thompson was appointed to the Historical Commission for a three-year term ending December 31, 2024.

NEXT MEETINGS:

Tuesday, May 10, 2022 Stated Meeting at 7:00 PM

ADJOURNMENT:

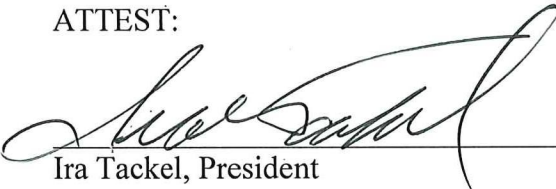
Mr. Tackel adjourned the meeting to Executive Session to discuss personnel issues from which they will not return.

Respectfully submitted,



Jesse Conte, Recording Secretary

ATTEST:



Ira Tackel, President