

6:45 PM Executive Session to Discuss Potential Litigation

**STATED MEETING AGENDA**  
**BOARD OF COMMISSIONERS OF UPPER DUBLIN TOWNSHIP**  
**TUESDAY, AUGUST 8, 2023 7:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CORRESPONDENCE AND ANNOUNCEMENTS**

**PRESENTATION**

- G Presentation of 2023 Winning Cards Casino Night and Upper Dublin Triathlon proceeds to beneficiaries
- H Presentation of Bird Town Certificate
- I 2022 Independent Audit Presentation
- J Status Update on Township Building by D'Huy Engineering

**COMMITTEE REPORTS**

Economic Development & Finance Committee, next meeting November 8, 2023  
Public Safety, Works & Services Committee, next meeting November 8, 2023  
Planning, Parks & Library Committee, next meeting November 28, 2023

**MUNICIPAL AUTHORITY REPORT**

- F Project Status Report

**STANDARD BUSINESS**

- A Move to accept minutes of July Stated Meeting without reading.
- B Move to approve the Tax Collector's Report for the month of July.
- 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 July.

**DISCUSSION ITEMS**

- K Discuss Firefighter's Tax Rebate Program.
- L Discuss Conditions for 530 Virginia Drive to be presented to the Planning Commission.
- M Discuss Zoning Hearing Board Cases & Planning Commission Agenda for August.

**PUBLIC COMMENT/QUESTIONS – ITEMS NOT ON AGENDA**

**ACTION ITEMS**

- N Consider motion to approve Preliminary/Final Land Development for 801 Loch Alsh Avenue, Upper Dublin Township Building.
- O Consider consider Conditions for 530 Virginia Drive to be presented to the Planning Commission.
- P Consider action on Resolution #23-2513 to establish September 1, 2023 as UD Strong Day.

- Q     Consider     action on Resolution #23-2514 authorizing the submission of a Grant Application for the 2023 Round of the Montgomery County Transportation Program.
- R     Consider     motion to consider Electric Procurement proposal.
- S     Consider     motion to approve 19 applications for Hurricane Ida Relief Fund (HIRF) Round 3 – Group 3 Grants in the amount of \$56,314.89.
- T     Consider     authorizing Release of Escrow Funds:
- Dresher Commons UD#06.014 Release #2 for FW Triangle, L.P. in the amount of \$270,000.00.
  - Ruddy Tract - Hyview UD#14-06 Release #4 for Prestige Property Partners, LLC in the amount of \$389,427.10.
  - Sandy Run Middle School UD#18-07 Release #5 in the amount of \$434,375.00.

**NEXT MEETING**     Tuesday, September 12, 2023 7:00 PM

**ADJOURN**

Agenda Posted 8/4/23

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, August 8, 2023, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Ira Tackel presiding following an Executive Session held at 6:45 PM to discuss Potential Litigation.

In attendance were Commissioners Ira Tackel, Robert McGuckin, Liz Ferry, Cheryl Knight, Meredith Ferleger, Alyson Fritzges and Gary Scarpello. Also present were Kurt Ferguson, Township Manager; Jonathan Bleemer, Assistant Township Manager and Finance Director; Tom Fountain, Township Engineer; and David Brooman, Township Solicitor.

PLEDGE OF ALLEGIANCE:

Mr. Tackel asked all present to join in reciting the pledge of allegiance to the flag.

ROLL CALL:

Mr. Tackel called the roll call and received responses that all seven of the Commissioners were in attendance.

CORRESPONDENCE AND ANNOUNCEMENTS:

Mr. Tackel announced that there are two more Sunday Concerts in the next two weeks which will conclude the Sunday Concerts for the season.

PRESENTATIONS:

Presentation of 2023 Winning Cards Casino Night and Upper Dublin Triathlon proceeds to beneficiaries:

Mr. Tackel presented checks from the 2023 Winning Cards Casino Night and Upper Dublin Triathlon proceeds. The Upper Dublin Triathlon had over 330 participants, both very successful events. The BOC would also like to thank UDT staff, UDSD staff, UD Education Foundation Board and volunteers, the UDPD, the FWFC and everyone else who helped make the day a success. Monte Carlo Night date is to be announced. The date for the 2024 UD Triathlon will be held Sunday, May 19, 2024. Registration will open for the Triathlon in November.

Donations were received by the following organizations at the meeting:

| <b>Organization</b>                        | <b>Representative</b>     |
|--|---------------------------|
| Upper Dublin Education Foundation          | Dr. Heidi Yutzler-Overton |
| Upper Dublin Citizens Emergency Fund       | Jonathan Bleemer          |
| CoTASA                                     | Sue Lohoefer              |
| Friends of the Upper Dublin Public Library | Cathy Murphy              |
| Cheston Fund                               | Jonathan Bleemer          |

|  |                            |
|--|----------------------------|
| UDP&R Summer Camp Scholarship Fund                   | Jonathan Bleemer           |
| Victim Services of Montgomery County Inc.            | Not present at the meeting |
| The Kelly Anne Dolan Memorial Fund                   | Linda Bean                 |
| Mattie N. Dixon Community Cupboard                   | Cindy Wedholm              |
| Wissahickon Trails                                   | Lisa Hansell               |
| Peace & Shake  | Kim Verzicco               |
| Senior Adult Activities Centers of Montgomery County | Not present at the meeting |
| Pennypack Farm & Education Center                    | Not present at the meeting |
| Kisses for Kyle                                      | Nancy Gordon               |
| Family Promise Montco PA                             | Anne Whitney               |

Presentation of Bird Town Certificate:

Leigh Altadonna, President of the Pennsylvania Audubon Council, presented Upper Dublin Township with a Bird Town Certificate and new road signs.

2022 Independent Audit Presentation:

Cindy Bergvall, Bee Bergvall & Co., presented the Upper Dublin Township 2022 Financial Audit. Ms. Bergvall summarized there were no findings.

Status Update on Township Building by D'Huy Engineering:

Arif Fazil, D'Huy Engineering, presented an update on the new Township Building.

The Board discussed the Incentive Alternate.

COMMITTEE REPORTS:

Economic Development and Finance Committee (EDF):

Mr. McGuckin reported that they did not meet this month. The next meeting will be November 8, 2023.

Public Safety, Works and Services Committee (PSWS):

Mr. McGuckin reported that they did not meet this month. The next meeting will be November 8, 2023.

Planning, Parks and Library Committee (PPL):

Ms. Ferleger reported that they did not meet this month. The next meeting will be November 28, 2023.

Tab F - Municipal Authority Report:

Mr. Ferguson stated there was nothing additional to the written report.

Ms. Ferry: What is the status of the letter to Septa?

Mr. Ferguson: We are working on a draft and will send it out later this week.

Ms. Ferry: What is the status of the Zip Ramp?

Mr. Ferguson: The Zip Ramp project is proceeding.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the July 11, 2023 Stated Meeting without reading:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the minutes of the July 11, 2023 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 July 2023:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Tax Collector’s Report for the month of July 2023.

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 July 2023 and highlighted the following:

Mr. Fountain: There has been great progress in construction. Permits slowed due to summer schedules but we anticipate it to pick up in the fall. I had the opportunity to visit the Wissahickon Watershed Facility on Morris Road and would highly encourage you to take a tour, it is a very impressive facility.

Tab D – Call on Township Manager for his Report:

Mr. Ferguson submitted his written report for the month of July 2023, and highlighted the following:

Mr. Ferguson: I recently met with residents on Willow Avenue regarding drainage concerns. I have authorized a hydraulic study to be done which was included in the budget. This study will help us evaluate options. We anticipate the 2024 Budget to be restrained, however we will be recommending a township wide stormwater study.

Also, I previously provided you with 2020 Census information. We will be analyzing that data and determining if it warrants a change in ward boundaries. There will be a public presentation for input once the data has been analyzed.

Mr. Tackel: In the past, we have had a representative from each party work with staff on this project. I would like to propose we follow that same process this time.

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Manager’s Report for the month of July 2023 without reading.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab E – Move to accept the Disbursements from the Various Township Accounts for the Month of July 2023:

Ms. Knight motioned, with Dr. Scarpello seconding, to accept the disbursements from the various Township accounts in the amount of \$4,905,595.62 as follows:

|                                 |                       |
|---------------------------------|-----------------------|
| Total of Proposed Disbursements | \$2,698,093.34        |
| Estimated Payroll               | \$1,200,000.00        |
| Interim Check Run Expenses      | \$1,007,502.28        |
| <b>Grand Total</b>              | <b>\$4,905,595.62</b> |

VOTE ON MOTION            ALL YES            MOTION CARRIED

DISCUSSION ITEMS:

Tab K – Firefighter’s Tax Rebate Program:

Mr. Ferguson gave a short introduction and summarized how the Firefighter’s Tax Rebate Program works.

Andrew Rathfon, Chief of Fort Washington Fire Company, presented on the Firefighter’s Tax Rebate Program.

The Board continued to discuss the program and asked the solicitor to prepare either a resolution or ordinance for the Board to review.

Tab L – Conditions for 530 Virginia Drive to be presented to the Planning Commission:

Mr. Fountain explained the revised concept plan and draft covenant. 60 spaces were moved to the property at 520 Virginia Drive.

Ms. Fritzges asked if they could see the complete package prior to it going to the Planning Commission.

The Board continued discussions regarding the 530 Virginia Drive conditions.

Steve Stoughton, 1080 Camp Hill Road, asked where the stormwater detention facilities will be placed on the plan, how much this plan cost to put together, and if a DEP permit was obtained for dumping fill at this property. Mr. Stoughton questioned if this property was labeled as Open Space. Mr. Stoughton inquired about the elevations of the proposed building and stated it would be seen from very far away. Mr. Stoughton asked if the township had been contact by any potential suitors regarding this property.

Donna Murphy, 428 Highland Avenue, asked that the 6 acres not be sold to a developer but maintained by the township.

Charles Breznicky, 1226 Thomas Drive, asked if the revenues from Mattison Estates could be used to fund the gap. Mr. Breznicky also suggested to lease land from 520 Virginia Drive for the UDSD Transportation Facility. Mr. Breznicky asked if the UDSD approached the township to purchase 530 Virginia Drive for their Transportation Facility. Mr. Breznicky stated that green space does not need to be developed.

Susan Woodruff, 207 Washington Lane, asked about permeable versus impermeable surfaces. There has been so much development hard to see the need for more apartments. Ms. Woodruff explained her house had been destroyed by the tornado and she had significant difficulty rebuilding due to having 10 sf of permeable space.

Ted Fricker, 1449 N Limekiln Pike, asked for clarification on how the township acquired this property and if there were any deed restrictions on the property. Mr. Fricker asked if the township has had any conversations with any potential buyers regarding the sale of this property. Mr. Fricker asked the Board not to consider selling this property.

Doug Wolf, 1418 Highland Avenue, stated he believed the township was not allowed to sell land without approval from the county or state. Mr. Wolf expressed concern about developing this parcel.

Ms. Ferry stated there were other funding options other than the sale of this property and asked if the Board could discuss them publicly.

The Board continued to discuss other funding options.

Mr. Wolf stated he would rather have an increase in taxes than sell this parcel.

Francis Biedlingmaier, 1426 Highland Avenue, gave a history of the property and how it came to be in the possession of the township. Ms. Biedlingmaier explained her concern about the dumping at the site and any possible impact on her water supply. Ms. Biedlingmaier expressed concern about the access onto Highland and recommended it be heavily landscaped. Ms. Biedlingmaier opposed the suggestion to put the Transportation Facility on this site.

Tab M - Discuss Zoning Hearing Board (ZHB) Cases and Planning Commission (PC) Agenda for August 2023:

Ms. Giles reviewed the August 28, 2023 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

**Application #2487 for the Property at 123 Summit Avenue, Fort Washington:**

Two variances and a special exception are needed for the construction of a front yard wrap-around porch and a rear yard addition. The Property is Zoned B Residential and is a corner lot.

**Application #2491 for the Property at 6 Sarah Court, Dresher:**

Two variances and a special exception are needed for the construction of a proposed addition in the riparian corridor. The Property is Zoned A-1 Residential.

**Application #2493 for the property at 511 Summit Avenue, Fort Washington:**

Two variances and a special exception are needed for the construction of a one-story addition with garage and a covered porch. The Property is Zoned A Residential.

**Application #2495 for the Property at 1055 Virginia Drive, Fort Washington:**

A variance is needed to install 3 business signs where a maximum of 2 are permitted. The Property is Zoned GFW and is located within the Floodplain Conservation District.

**Application #2496 for the Property at 1457 N Limekiln Pike, Dresher:**

The Applicant has requested a list of variances, determinations, prior agreement modifications, and special exceptions, and a violation appeal related to the nonpermitted construction of a 1,500 square foot structure and driveway expansion in the rear yard and side yard areas. The Property is Zoned A Residential.

**Application #2497 for the Property at 217 Girard Avenue, Glenside:**

An impervious coverage variance is needed for the installation of a hot tub and patio. The Property is Zoned NH.

**Application #2498 for the Property at 1331 Cory Drive, Fort Washington:**

Three variances are needed for the construction of an attached garage and a covered front porch. The property is Zoned A Residential.

**Application #2499 for the Property at 24 Brentwood Drive, Willow Grove:**

A side yard variance is needed for the construction of a covered deck. The Property is Zoned A Residential.

**Application #2500 for the Property at 1525 Temple Drive, Ambler:**

A variance is needed for the construction of a 1,491 square foot sports court. The Property is Zoned A Residential.

Zoning Hearing Board Update from July 2023: None.

Ms. Giles stated that the August 15, 2023 Planning Commission meeting was cancelled. Two items scheduled for the September 19, 2023 meeting:

- 1840 Norristown/Goodman Tract – Review of Final Land Development Application
- 525 Virginia Drive/Commerce Pursuit Capital – Review of Final Land Development Application

Ms. Ferleger asked what the applicant for 1457 Limekiln Pike was requesting.

Ms. Giles stated they were asking for 18 items including special exceptions and appeal.

Michael Yanoff, Attorney for the Applicant, explained that there were 18 requests and continued to explain the application.

Mr. Brooman explained that the solicitor was involved in this hearing and will be defending Ms. Giles in the appeal.

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

None.

ACTION ITEMS:

Tab N – Consider motion to approve Preliminary/Final Land Development for 801 Loch Alsh Avenue, Upper Dublin Township Building:

Mr. Tackel motioned, with Dr. Scarpello seconding, to approve Preliminary/Final Land Development for 801 Loch Alsh Avenue, Upper Dublin Township Building.

Mr. Fountain stated the Planning Commission had reviewed and the plans for 801 Loch Alsh Avenue and at their July 18 meeting recommended approval with conditions.

Mr. Tackel amended the original motion, with Dr. Scarpello seconding, to approve Preliminary/Final Land Development for 801 Loch Alsh Avenue, Upper Dublin Township Building, with conditions.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab O – Consider Conditions for 530 Virginia Drive to be presented to the Planning Commission: The Board decided to table action on this item until next month.

Tab P – Consider action on Resolution #23-2513 to establish September 1, 2023 as UD Strong Day:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to approve Resolution #23-2513 to establish September 1, 2023 as UD Strong Day.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab Q – Consider action on Resolution #23-2514 authorizing the submission of a Grant Application for the 2023 Round of the Montgomery County Transportation Program:

Dr. Scarpello motioned, with Ms. Fritzges seconding, to approve Resolution #23-2514 authorizing the submission of a Grant Application for the 2023 Round of the Montgomery County Transportation Program.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab R – Consider motion to consider Electric Procurement proposal:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to consider Electric Procurement proposal.

Paul Spiegel, Practical Energy Solutions, presented on the Electric Procurement proposal. Mr. Spiegel recommended a 2 year contract.

Mr. Bleemer recommended a 2 year 50% contract with Constellation.

Mr. McGuckin amended the original motion, with Dr. Scarpello seconding, to approve Constellation for a 2 year 50% contract at a cost of \$52,765/year.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab S – Consider motion to approve 19 applications for Hurricane Ida Relief Fund (HIRF) – Round 3 – Group 3 Grants in the amount of \$56,314.89:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve 19 applications for Hurricane Ida Relief Fund (HIRF) – Round 3 – Group 3 Grants in the amount of \$56,314.89.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Tab T – Consider authorizing Release of Escrow Funds:

Escrow Release for Dresher Commons UD #06.014 Release #2 for FW Triangle, L.P. in the amount of \$270,000.00:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve the Escrow Release for Dresher Commons UD #06.014 Release #2 for FW Triangle, L.P. in the amount of \$270,000.00.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Escrow Release for Ruddy Tract - Hyview UD #14-06 Release #4 for Prestige Property Partners, LLC in the amount of \$389,427.10:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Escrow Release for Ruddy Tract - Hyview UD #14-06 Release #4 for Prestige Property Partners, LLC in the amount of \$389,427.10.

VOTE ON MOTION            ALL YES            MOTION CARRIED

Escrow Release for Sandy Run Middle School UD #18-07 Release #5 in the amount of \$434,375.00:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Escrow Release for Sandy Run Middle School UD #18-07 Release #5 in the amount of \$434,375.00.

VOTE ON MOTION            ALL YES            MOTION CARRIED

NEXT MEETING:

Tuesday, September 12, 2023 Stated Meeting at 7:00 PM.

ADJOURNMENT:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to adjourn the meeting.

VOTE ON MOTION

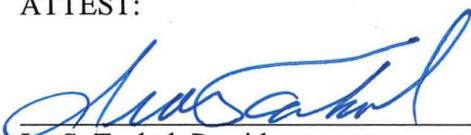
ALL YES

MOTION CARRIED

Respectfully submitted,

  
\_\_\_\_\_  
Jesse Conte, Recording Secretary

ATTEST:

  
\_\_\_\_\_  
Ira S. Tackel, President