

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, September 12, 2023, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Ira Tackel presiding.

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. Brooman reminded the Board that their township email was subject to the Right to Know Law.

PRESENTATIONS:

None.

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.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the August 8, 2023 Stated Meeting without reading:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the minutes of the August 8, 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 August 2023:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Tax Collector’s Report for the month of August 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 August 2023 and highlighted the following:

Mr. Fountain stated that the Regency and Union Electric land development projects are completed. Mr. Fountain outlined that Redstone is almost complete with a soft opening scheduled for the end of this month, Premier Self-Storage is scheduled to receive their Certificate of Occupancy and is set to open in October and Sandy Run Middle School was able to open this fall.

Tab D – Call on Township Manager for his Report:

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

Mr. Ferguson provided an overview of 530 Virginia Drive. He indicated his desire to present the plan at the October Stated meeting for the Board to consider making its submission to the Planning Commission thereafter.

Mr. Ferguson indicated that we received our NPDES permit for the new township building much sooner than originally expected. This permit typically has a turnaround time of nine months, however, we asked for an expedited process which the Conservation District honored. He thanked the staff and consultants for their work in expediting the process.

Mr. Ferguson met with the CFO of the Upper Dublin School District, Andy Lechman, to discuss the MOU regarding pool usage. He outlined the positive response to topics which include the facilities usage for camps and other township activities. He expressed an understanding of the schools ability to hire lifeguards, which effects many community members desires for open swim.

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Manager’s Report for the month of August 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 August 2023:

Ms. Knight motioned, with Dr. Scarpello seconding, to accept the disbursements from the various Township accounts in the amount of \$5,921,610.05 as follows:

Total of Proposed Disbursements	\$3,853,402.04
Estimated Payroll	\$1,200,000.00
Interim Check Run Expenses	\$868,208.01
Grand Total	\$5,921,610.05

VOTE ON MOTION

ALL YES

MOTION CARRIED

DISCUSSION ITEMS:

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

Ms. Giles reviewed the September 18, 2023 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

Application #2492 for the Property at 1240 Fitzwatertown Road, Abington:

Two variances and a special exception are needed for the installation of a shed and for the construction of a covered deck. The Property is Zoned B Residential.

Application #2494 for the Property at 620 Meadowbrook Avenue, Ambler:

Two variances and a special exception are needed to allow the construction of a duplex and associated driveway without the required turn-around area. The Property is Zoned C Residential.

Application #2502 for the Property at 420 Ellerslie Avenue, Ambler:

Two variances and a special exception are needed for the construction of a one-story addition. The Property is Zoned C Residential.

Ms. Giles reviewed the September 19, 2023 Planning Commission meeting agenda that has the following matters scheduled for discussion:

Review of Preliminary/Final Land Development Application #22-02 for proposed Apartment Development at 525 Virginia Drive:

The Applicants are proposing to construct a 225-unit apartment development on a property that has a total area of 10.3 acres within the GFW- Greater Fort Washington District. The proposed height of the building is 63 feet, with a parking garage on the bottom floor in addition to an on-site parking lot. Previous relief was granted by the Zoning Hearing Board in March 2023 related to construction in the floodplain, and a conditional use request to allow an Apartment Use in the Greater Fort Washington District was granted by the Board of Commissioners on July 11, 2023. The Planning Commission will review the Preliminary/Final Land Development application for potential recommendation. The Applicants must eventually appear before the Board of Commissioners for a formal vote.

UDT 2025 Comprehensive Plan and Zoning Ordinance Update

Announcement of Special Planning Commission meeting October 24, 2023 at 7 pm to discuss 530 Virginia Drive

Tab H – Comprehensive Plan Steering Committee Update:

Ms. Giles gave a brief update on the selection of the Comprehensive Plan Steering Committee and announced the members:

Marsha Garcia	Stephanie Teoli Kuhls	Donah Zack Beale (HC)	Claire Warner (MCPC)
Mary Cunnane	Henry Nalence (Youth Rep.)	Steven Stone (STC)	Andrew Svekla (DVRPC)
John Toner	Austin Faberman (EPAB)	(Rep. from BOC-TBD)	Gary Weaver (PC)

Mark Sirota

Additional Key Stakeholders include:

Len Karp (ZHB Chair)	John Westrum (Land Owner & Developer)	Peter Blood (Rescape)	Mari Radford (Former PC Member, FEMA Hazard Mitigation Specialist)
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Ms. Ferry asked if the Comprehensive Plan Committee meetings would be open to the public and how often those meetings would occur.

Ms. Giles stated the Comprehensive Plan Meetings that meet every other month would not be open to the public, but that they would present drafts before the Board and public similarly to how the Open Space Committee operates.

Tab I – Township Building Funding Update:

Mr. Ferguson outlined the proposed funding for the new township building. This included the insurance settlement, the \$4.5 million RACP grant and a few other items comprising the township’s current total of defined funding. He discussed the current shortfall of approximately \$10-12 million. If the Township issued a \$12 million bond, our shortfall would sit at approximately \$5 million. The originally contemplated \$6 - 6.5 million bond issue would have limited our ability to issue another bond, without needing a tax increase, to 5-6 years. The \$12 million bond issue possibility would change that time frame to 11 years. The goal, in finalizing funding options, would be to have the bid for the sale of 530 Virginia Drive run concurrently with the bid for the Township complex allowing the Commissioners to make an informed decision on the sale of 530 Virginia Drive.

The Board continued discussions regarding funding for the new township building.

Tab J – Craig Y Nos Project Update:

Mr. Ferguson updated the Board on the Craig Y Nos sewer project, including an explanation as to why the township was required to readvertise and allow for another 30-day public comment period. Mr. Ferguson then read the following responses to questions received in advance of this meeting:

- The original proposal was for test borings to be done, however, now test borings will not be done. This is because the plan is to now use a low-pressure system that is only 4-feet deep with grinder pump and contractors will bid out the project even without completing test borings.
- Gravity vs. Grinder Pump? The current estimate of the 50 lots is \$49,500 per lot for the 29 lots that could use gravity systems and \$38,500 per lot for the 21 lots needing a low-pressure system with grinder pumps. In order to equalize the cost across the board, those with gravity systems would subsidize those needing grinder pumps. In discussions with the engineering firm, it was decided that grinder pumps give a more predictable cost since even if test borings were done, that could lead to additional costs depending on the results of the tests.
- The plan currently shows backfilling the trench, no other road improvements.
- We will not start the property survey until DEP approves the plan which we expect will be around October 15th.
- We have and will continue to look for funding. Senator Maria Collett has agreed to back our application for a \$500,000 grant. The Township will also be asking the Board to approve using an estimated \$160,000 from rescue funds in order to pay for engineering costs which would have previously been evenly distributed amongst property owners.
- We see this project as two components: the installation of the system and the private portion including laterals to each house and the grinder pump. We intend to include the private portion in the bid including the lateral lengths and a bulk bid for the grinder pumps. We would work with the engineering firm to find out details of this portion of the project and communicate that with property owners. We will offer a payment plan for approximately 5 years at 0% interest.
- For those who own multiple private lots, you will probably not need to pay the same cost for each lot. There is discussion going on that will affect the total cost with factors such as how large each lot is, if it is vacant, and if it has potential to be developed. We will be contacting those with private lots in writing and give the opportunity to meet individually soon. Once the project is approved and underway, we will hold a special public meeting specifically for this project so that residents can come and ask questions.

Mr. Ferguson stated that all public comments received by the township will be submitted to DEP as part of the public comment period.

Mr. McGuckin asked what would be left of the ARPA funding if this was approved.

Mr. Bleemer stated approximately \$500,000.

Maria Garcia, 3328 Craig Y Nos Avenue, thanked Commissioner Knight and Senator Collett for their help in finding additional funding. Ms. Garcia asked what paper ran the advertisement.

Mr. Ferguson stated the ad was run in the Ambler Gazette on September 1, 2023. *Mr. Tackel later corrected that the ad had run in the Intelligencer.*

Ms. Garcia asked if it would be communicated with residents which properties qualified for gravity and which qualified for the low-pressure system.

Mr. Ferguson clarified that the plan submitted to DEP did not include two different types of systems, the plan submitted is to install low-pressure with grinder pump systems. We have done the analysis for gravity systems, but I don't want there to be confusion as that is not the plan that was submitted to DEP.

Ms. Garcia asked when residents can meet with the Township, DEP and Carroll Engineering regarding the project.

Mr. Ferguson stated he cannot promise that DEP would participate in that meeting, however, the township needs to first wait for DEP's approval of the plan which I am anticipating will be October 13th. Once the plan is approved, and in coordination with holidays and other meetings, I expect that meeting to happen before the end of the year.

Alexander Dizhoor, 927 Camp Hill Avenue, expressed his concern that during construction his house will be cut off from emergency services.

Mr. Ferguson explained that the township would require any contractor hired to maintain emergency access to all properties during construction as well as requiring contractors to give property owners access to their houses, driveways, and on-street parking throughout the project as part of a set of parameters.

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

None.

ACTION ITEMS:

Tab L – Consider motion to approve application for funding in the amount of \$500,000 to the Pennsylvania Local Share Program for the Craig Y Nos Sewer Project:

Ms. Knight motioned, with Dr. Scarpello seconding, to approve application for funding in the amount of \$500,000 to the Pennsylvania Local Share Program for the Craig Y Nos Sewer Project.

Mr. Ferguson reminded the Board that this was a grant application only and the funding would still need to be approved.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab M – Consider motion to authorize use of ARPA funding for Engineering Costs for the Craig Y Nos Sewer project, estimated at \$160,000:

Ms. Knight motioned, with Dr. Scarpello seconding, to authorize use of ARPA funding for Engineering Costs for the Craig Y Nos Sewer project, estimated at \$160,000.

Mr. Ferguson explained that this would be an expense that the Township would take under using relief funds that we received and none of these costs would be passed off to anyone in the Craig-Y-Nos project area.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab N – Consider action on Resolution #23-2515 to adopt the 2023 Upper Dublin Township Open Space Plan, action on Resolution #23-2516, certifying that the 2023 Upper Dublin Township Open Space Plan was developed in accordance with grant guidelines established by the Community Conservation Partnerships Program, Keystone Recreation, Park and Conservation Fund, administered by the Pennsylvania Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation:

Ms. Ferleger motioned, with Mr. McGuckin seconding, to approve Resolution #23-2515 to adopt the 2023 Upper Dublin Township Open Space Plan, action on Resolution #23-2516, certifying that the 2023 Upper Dublin Township Open Space Plan was developed in accordance with grant guidelines established by the Community Conservation Partnerships Program, Keystone Recreation, Park and Conservation Fund, administered by the Pennsylvania Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation.

VOTE ON MOTION ALL YES MOTION CARRIED

Mr. Tackel stated as President he would like to move agenda item P before item O.

Tab P – Consider motion to approve one year extension to CU #2444 for 500 Virginia Drive:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve a one-year extension to CU #2444 for 500 Virginia Drive.

Mr. Ferguson explained that the business that was originally going into the space fell through, and the extension allows the new business who will be moving into the space more time to follow through without restarting the process.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab O – Consider action on Resolution #23-2517 to approve Preliminary Land Development for 1840 Norristown Road, a/k/a The Goodman Tract:

Ms. Ferleger motioned, with Mr. Scarpello seconding, to approve Resolution #23-2517 to approve Preliminary Land Development for 1840 Norristown Road, a/k/a The Goodman Tract.

Christine Pionzio, Attorney, reviewed the application and stated the applicant was comfortable with the restrictions as drafted. Ms. Pionzio stated the Planning Commission requested swale drainage and a monument sign, from which the applicant is requesting waivers.

Ms. Fritzges reminded when zoning was approved there was a covenant recorded.

Ms. Pionzio stated they will be in full compliance with the covenant.

Mr. McGuckin asked for a summary of the road improvements already agreed upon.

Matt Hammond, Traffic Planning and Design, explained all of the traffic improvements the applicant previously agreed to and how those improvements would lead to a level of service B-C from its current F grade.

The Board continued discussions regarding the application.

Mr. McGuckin asked if preliminary approval is granted what would be next.

Mr. Fountain stated that this was only preliminary approval because the PennDOT plans are not complete. Mr. Fountain expects changes to be made prior to final approval. The applicant has a list of conditions to work on before final approval, but the layout of the plan will not change. The plan will go through staff and consultant review before going before the Board again for final review.

Ms. Fritzges asked that approval be conditioned on the comments from Jack Smyths review letter.

Mr. Fountain clarified that the applicant must and is willing to comply with the Township's Traffic Engineer's review letter comments as a condition.

Tami Bohm, 407 Dogwood Drive, asked about the walking path and if the township was going to take responsibility for the path not on the Meadow View Estate's land. Ms. Bohm expressed concern for the space of the path. There are 11-feet dedicated to the townhomes and the walking path proposed is 8-feet, if PennDOT must do widening it will impact those 11-feet.

Mr. Fountain stated that maintenance of the walking path has not been resolved at this point, but that it would not be the responsibility of the Meadow View HOA.

Kevin Kelly, 1804 Thornbury Drive, expressed safety concerns for cut-through traffic on Chaucer Drive and asked if there was any way the egress from the development could be moved to eliminate the possibility of cut-through.

Mr. Smyth explained that moving the egress would not be possible due to site line issues and that the road improvements proposed will help traffic and elevate the need for people to want to cut through.

Hilary Wagner, 1845 Hood Lane, stated that the safety of all intersections needs to be addressed including Butler Avenue and Norristown Road before adding any additional traffic.

Mr. Smyth stated that the township has put money aside for a concept design at Butler Avenue and Norristown Road and the applicant has also committed \$75,000 to be put towards a local match for any grant received to improve that intersection.

The Board continued discussions on the intersection at Butler and Norristown.

Tom Reed, 1820 Thornbury Drive, explained that the cut-through issue is a major concern and asks that the entrance be moved to the west end of the property. Mr. Reed stated that it does not matter what traffic improvements PennDOT makes, the cut-through allows drivers to skip two major intersections and it will always be an issue. Mr. Reed also expressed concern about the density, stating the developer was requesting too many waivers that all could be avoided by reducing the density.

Ray Schill, 1841 Thornbury Drive, expressed concern about cut-through potential and asked if the traffic study included turns from Limekiln Road onto Thornbury Drive to avoid the intersection.

Joe Kenney, 1605 Hood Lane, asked if the possibility of installing an island at the driveway entrance to force drivers to turn either left or right and to deter cut-through traffic.

The Board continued to discuss possible options to deter cut through traffic.

Mr. Tackel asked the developer to take a careful look to see if anything else can be done to mitigate cut-through traffic.

Mr. Kenney stated that Horsham Township approved a similar development of townhouses and posed the question of whether it would be illuminating to inquire their Board about density.

Mike Rufo, 1813 Thornbury Drive, stated there is a project that has been approved for 53 townhomes down the street and asked if that was considered in the traffic study. Mr. Rufo expressed his concern for the density.

Mr. Smyth answered that it had been taken into account.

Eduardo Gouvea, 1801 Thornbury Drive, asked if the problem is not solved and cut-through proves to remain an issue, what could be done to address the safety issues.

Mr. Tackel answered that the Board is willing to address that issue if necessary.

Ginny Vitella, 701 Lake Drive, stated that the Bellaire development has a similar entrance that might work in this situation. Ms. Vitella asked how many trees are required to be replaced since they were removed from this site.

Mr. Fountain stated that the developer is not required to replace trees as the property was not developed prior to the tornado, however, the landscaping plan has a requirement for the placement of trees.

Susannah McCarthy, 1718 E. Butler Pike, stated that every Planning Commission member expressed their concern for the traffic and density in the area. Ms. McCarthy expressed her concern for the safety at Butler Pike and Norristown Road and asked the Board not to approve the development until that intersection is improved.

Sally Sheppard, 505 Chaucer Drive, expressed her concern for the traffic. Ms. Shepard also stated the noise is an issue now that the trees have been removed.

Betsy Scarcelli, 1840 Thornbury Drive, expressed concern for keeping open space and concern for the density.

David Kaplan, 512 Chaucer Drive, asked the Board not to approve the plan until the developer addresses the cut-through concerns. Mr. Kaplan also asked the Board to reduce the density so fewer variances would be required.

The Board further discussed concerns of development and density.

Mike Haas, 107 Orlando Avenue, stated he was the chair of the EPAB and they were impressed by the landscaping plan. Mr. Haas expressed concern about the high base price at \$700,000 and Upper Dublin becoming a financially exclusive high-end community. Mr. Haas asked if there were some ways the community could bring more fiscal diversity to the township.

Mr. Reed emphasized the need to reduce density and reduce the number of waivers given to the applicant.

Mr. Tackel reminded that this was a motion for preliminary land development and would come back before the Board for a final approval.

ROLL CALL VOTE ON MOTION	YES	COMMISSIONERS TACKEL, KNIGHT, FERLEGER, FRITZGES, SCARPELLO, MCGUCKIN
	NO	FERRY
MOTION CARRIED		

Tab Q – Consider motion to approve 14 applications for Hurricane Ida Relief Fund (HIRF) – Round 3 – Group 4 Grants in the amount of \$44,282.12:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve 14 applications for Hurricane Ida Relief Fund (HIRF) – Round 3 – Group 4 Grants in the amount of \$44,282.12.

VOTE ON MOTION	ALL YES	MOTION CARRIED
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Tab R – Consider action to approve the Upper Dublin Township Pension Plans’ Minimum Municipal Obligation for 2024:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve the Upper Dublin Township Pension Plans’ Minimum Municipal Obligation for 2024.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab S – Consider action on Resolution #23-2518 to approve the Creation and the Rental of an Eruv District:

Mr. Tackel motioned, with Dr. Scarpello seconding, to approve Resolution #23-2518 for the Creation and the Rental of an Eruv District.

Mr. Tackel explained the background of an Eruv District.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab T – Consider authorizing Release of Escrow Funds:

Escrow Release Toll PA, L.P. UD #15.005 Release #5 for Regency at Upper Dublin Phase – 1 in the amount of \$1,047,928.72:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve the Escrow Release Toll PA, L.P. UD #15.005 Release #5 for Regency at Upper Dublin Phase – 1 in the amount of \$1,047,928.72.

ROLL CALL VOTE ON MOTION YES COMMISSIONERS TACKEL,
KNIGHT, FRITZGES, FERRY,
SCARPELLO, MCGUCKIN

RECUSED FERLEGER

MOTION CARRIED

Escrow Release Toll PA, L.P. UD #15.005 Release #5 for Regency at Upper Dublin Phase – 2 in the amount of \$141,785.08:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve the Escrow Release Toll PA, L.P. UD #15.005 Release #5 for Regency at Upper Dublin Phase – 2 in the amount of \$141,785.08.

Mr. McGuckin amended the motion, with Dr. Scarpello seconding, to approve the Escrow Release Toll PA, L.P. UD #15.005 Release #3 for Regency at Upper Dublin Phase – 2 in the amount of \$141,785.08.

ROLL CALL VOTE ON MOTION YES COMMISSIONERS TACKEL,
KNIGHT, FRITZGES, FERRY,
SCARPELLO, MCGUCKIN

RECUSED FERLEGER

MOTION CARRIED

Escrow Release for Union Electric Contracting UD #19-09 Release #1 for 350 Commerce Drive in the amount of \$151,576.00:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Escrow Release for Union Electric Contracting UD #19-09 Release #1 for 350 Commerce Drive in the amount of \$151,576.00.

VOTE ON MOTION

ALL YES

MOTION CARRIED

NEXT MEETING:

Tuesday, October 10, 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