

STATED MEETING AGENDA
BOARD OF COMMISSIONERS OF UPPER DUBLIN TOWNSHIP
TUESDAY, MARCH 12, 2024 7:00 PM

CALL TO ORDER

ROLL CALL

CORRESPONDENCE AND ANNOUNCEMENTS

PRESENTATIONS

- Recognition of Aidan Porter, Boy Scout Troop 304, for completion of his Eagle Scout Project at Twining Valley Park.
- Recognition of Officer Carolina Bolanos for completion of her probationary year.
- Recognition of Officer Erik Lesser for completion of his probationary year.
- Police Department Annual Report

MUNICIPAL AUTHORITY REPORT

F Project Status Report

STANDARD BUSINESS

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

DISCUSSION ITEMS

G Discuss Zoning Hearing Board Cases & Planning Commission Agenda for March.

PUBLIC COMMENT/QUESTIONS – ITEMS NOT ON AGENDA

ACTION ITEMS

- I Consider action on Ordinance #24-1389 for Single Use Plastics.
- J Consider motion to approve the Findings of Fact, Conclusions of Law and Decision granting Conditional Use Approval to Acute Medical Transport, Inc. for the property located at 550 Pinetown Road.
- K Consider action on Resolution #24-2531 to approve Request for Waiver of Land Development for Upper Dublin School District, Proposed Temporary Double Wide Office Trailer at 275 New Jersey Drive, UD#24-1.
- L Consider motion to approve Resolution #24-2532 approving the Upper Dublin Township Municipal Authority's (UDTMA's) 2023 Annual Report and 2024 Business Improvement Plan; and to approve the UDTMA 2024 Budget.
- M Consider action on Resolution #24-2533 to approve the Municipal Authority's proposed method of assessment for 2024.
- N Consider motion to approve Temple Scholarship Amended and Restated Agreement.

- O Consider action on Resolution #24-2534 to authorize a PA DCNR Community Conservation Partnership Program (C2P2) Grant Application requesting funds in the amount of \$35,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.
- P Consider action on Resolution #24-2535 to authorize a DVRPC Transportation and Community Development Initiative (TCDI) Grant Application requesting funds in the amount of \$70,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.

NEXT MEETING Tuesday, April 9, 2024 7:00 PM

ADJOURN

Agenda posted 3/8/24

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, March 12, 2024, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Meredith Ferleger presiding.

In attendance were Commissioners Meredith Ferleger, Cheryl Knight, Alyson Fritzges, Gary Scarpello, and Joseph Rudolph. Commissioners Ira Tackel and Harm Scherpbier attended virtually via Zoom. 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:

Ms. Ferleger asked all present to join in reciting the pledge of allegiance to the flag.

ROLL CALL:

Ms. Ferleger called the roll call and received responses that all seven of the Commissioners were in attendance, with Mr. Tackel and Mr. Scherpbier attending via Zoom.

CORRESPONDENCE AND ANNOUNCEMENTS:

None.

PRESENTATION:

Ms. Ferleger presented Aidan Porter, Boy Scout Troop 304, with a plaque for completion of his Eagle Scout Project at Twining Valley Park.

Ryan Judge, Patrol Lieutenant, recognized Officers Erik Lesser and Carolina Bolanos for the completion of their probationary year.

Francis Wheatly, Police Chief, presented the Police Department's 2023 Annual Report.

MUNICIPAL AUTHORITY REPORT:

Tab F – Project Status Report:

Nothing additional to the written report.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the February 13, 2024 Stated Meeting without reading:

Dr. Scarpello motioned, with Ms. Fritzges seconding, to accept the minutes the February 13, 2024 without reading

VOTE ON MOTION ALL YES MOTION CARRIED

Tab B – Motion to Approve the Tax Collector's Report for the month of February 2024:

Dr. Scarpello motioned, with Ms. Fritzges seconding, to accept the Tax Collector's Report for the month of February 2024.

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 2024 and highlighted the following:

The Permitting Department has slowed due to the cold weather. Two current major township projects include the New Township Building and the Ambler PFOS/PFAS treatment upgrades. The Engineering Department has received a lot of drainage concerns and the township is continuing to investigate and file reports with appropriate parties.

Ms. Knight asked what the estimated timeline is for Cardinal Drive.

Mr. Fountian estimated that the Cardinal Drive project is set to begin in the next three weeks.

Tab D – Call on Township Manager for his Report:

Mr. Ferguson submitted his written report for the month of February 2024, and highlighted the following:

As an update to the Craig Y Nos project, we have completed or scheduled surveys for 18 properties and there are 10 left to be scheduled. Once the surveying has been complete on all 28 households, then the township will look to arrange a special public meeting regarding the project.

The New Township/Police Building and Public Works Addition project had a gap of about \$2.5 million. We have successfully registered the project for the Inflation Reduction Act and have received the news that we could be eligible for a credit more than double our conservative estimate of \$540,000. The township has been working on their application request for \$5 million in funding through the Pollution Reduction Act. This is a joint application with the Philadelphia Energy Company and the Delaware Valley Regional Planning Commission for the \$200 million in funding.

As part of the township building demolition, there is a construction and waste management plan in place which will prevent 75% of the materials going to a land fill and materials are being sorted to be reused or recycled.

Mr. Tackel motioned, with Mr. Scherpbier seconding, to accept the Manager's Report for the month of February 2024 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 February 2024:

Mr. Scherpbier motioned, with Mr. Tackel seconding, to accept the disbursements from the various Township accounts in the amount of \$4,111,998.55 as follows:

Total of Proposed Disbursements	\$2,591,788.76
Estimated Payroll	\$1,250,000.00
Interim Check Run Expenses	\$270,209.79
Grand Total	\$4,111,998.55

VOTE ON MOTION

ALL YES

MOTION CARRIED

DISCUSSION ITEMS:

Tab G - Discuss Zoning Hearing Board (ZHB) Cases and Planning Commission (PC) Agenda for March 2024:

Ms. Giles reviewed the March 25, 2024 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

Application #2531 for 1704 Salt Kettle Circle, Dresher

A variance is needed to allow impervious coverage of 27.85% where 25% is permitted for the construction of a one-story addition. The Property is Zoned A-1 Residential.

Application #2532 for 516 Madison Avenue, Fort Washington,

A variance is needed to allow impervious coverage of 26.6% where 25% is permitted for the construction of a partially covered deck. The Property is Zoned A Residential.

Application #2533 for 275 New Jersey Drive, Fort Washington

A special exception is needed to permit required parking spaces to be located elsewhere than on the subject lot. This is related to a proposed light industrial use required by Conditional Use. The Property is Zoned GFW- Greater Fort Washington District.

Application #2496 for 1457 N Limekiln Pike, Dresher

The Applicant has requested a list of variances, determinations, prior agreement modifications, 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. This matter was opened and continued from the October 2023 meeting and will continue at the 3/25/24 meeting. A settlement is being discussed among all interested parties.

Zoning Hearing Board Update from February 2024:

None.

Ms. Giles reported that the March 19, 2024 Planning Commission meeting was cancelled.

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

Tom Imke, 1220 Hoffman Road, expressed his confusion on the inconsistency of the township's sidewalk work around his property and does not agree with that he, as the property owner, would be responsible to replace 32-square feet of sidewalk that he states was already replaced previously and is in fine condition. Mr. Ike also expressed confusion regarding the replacement of curbing and vents. Mr. Ike lastly stated that the township plow trucks caused damage to his yard and apron.

Mr. Ferguson encouraged the reporting any damage that occurs on a property during a township street program, including plowing, as that would be the responsibility of the township to repair.

Roland Lindh, 309 Summit Avenue, thanked the Township Manager for his explanation on what is happening with the materials from the township building demolition.

Chris Sweeney, 1241 Lois Road, recounted his communication history with the township regarding his belief the township had been charging an incorrect rental license fee for his 3-unit rental structure, and expressed his concern for the amount of time it took for the township to agree with his point and to come to the decision to issue a refund with compounding interest not only to him, but the 5 other property owners of 3-unit rental structures in the township.

Mr. Ferguson explained to the board that Mr. Sweeney's not only was concerned about the reclassification of 3-unit rental structures and issuing the \$25 refunds, but was additionally concerned about the flexibility of the 2-year rental periods because they were scheduled based on renewal payment dates and inspector availability.

Mr. Ferguson further explained that Mr. Sweeney has requested that the township find the original license issue date for all 1,300 rental properties in the township and change the current rental inspection date to match the very first inspection conducted on each individual property, regardless of their classification. Mr. Ferguson stated that after speaking with the township solicitor, the slight changes in inspection dates over time was not a violation of the township code, however, the township did eventually come to agree with Mr. Sweeney on the classification of the 3-unit rental structures and have either issued or are processing refunds to all six of the 3-unit rental structure owners in the township.

Mr. Tackel expressed thanks to the Parks & Recreation staff and volunteers for another successful Winterfest which had thousands of attendees.

Ms. Ferleger concurred with Mr. Tackel's statement and noted that many visitors from outside of the township attended this year.

ACTION ITEMS:

Tab I – Consider action on Ordinance #24-1389 for Single Use Plastics.

Mr. Tackel motioned, with Dr. Scarpello seconding, to approve Ordinance #24-1389 for Single Use Plastics.

Ms. Ferleger stated that the board received two emails from residents regarding the plastic bag ordinance.

Brandon Boyd, 100 Farm Lane, submitted the following email to the board prior to the meeting:

Dear Commissioners,

First, thank you for replying to my prior note. As you are due to consider a single use plastic bag ban tomorrow, I again urge you to vote against such a prohibition at this time. Digger deeper into the issue and the process, I have become more concerned with this proposal. I summarize directly below, as I know you are busy, with more detail later on each area of concern. In short, there are obvious opportunities for leaders such as yourselves to explore alternative actions that would improve overall outcomes while still fulfilling the general goal of a healthier environment. I would share these views at the BoC meeting tomorrow, however, I am unable to attend due to prior family commitments.

Major concerns: 1) Lack of less-coercive alternatives considered (bans are extreme and you should be forthright with your thought- and decision-making process); 2) lack of transparency in cost/benefits/practical consequences (a cost/benefit analysis that includes downstream implications and/or consideration of unintended consequences seems to be lacking); 3) a replacement of UD township priorities with those of other municipalities; 4) and at a time of serious price inflation, especially in groceries, a further nickel-and-diming of residents reads as callous and out-of-touch.

To be more specific...

A ban is an extreme measure. Bans are for clear and present dangers (violence, theft, trespassing, etc.). As an extreme measure, what is your limiting principle? Your threshold? Your criteria? What less-coercive alternatives have you considered and dismissed before you advanced this proposal, and why did you discount them?

Likewise, the resolution makes claims of environmental impact... which literature are you citing? This would be a much more convincing appeal if the supporting documentation was transparently provided for constituents to evaluate.

Similarly, what cost-benefit analysis have you conducted? Specifically, what analysis have you done on the cost of this problem for Upper Dublin? Have you estimated the incremental cost of sanitation, for example? The cited "problem" in the resolution is generalized to a global issue, not as a specific concern of this township, meaning it's left entirely unaddressed if there is a meaningful and tractable "problem to be solved" in UD. And without such data, it is impossible to know that an intervention, particularly an extreme one, would have a net positive effect.

Consider also the unintended downsides of a ban. Ostensibly reusable bags can create more negative, less sustainable environmental effects than single use bags, and must be reused dozens if not hundreds of times to be net-environmentally neutral. This is because, as studies - including those by the UN - have found, heavy plastic bags require more chemical inputs and fabric bags require more water for production. Cities with such single use bans have found that total waste volumes increase because consumers simply treat the so-called reusable bags just like thinner single use bags and/or have no recycling facilities available to them for such materials. To quote CNN: "In New Jersey, 2022's ban on single-use plastic and paper bags has meant grocery delivery services have switched to heavy-duty bags. Their customers complain of a glut of reusable, heavy-duty bags that they don't know what do with."

Other downstream consequences include the added costs at point-of-sale to local residents, who are already feeling pinched by rapid price inflation. New costs for bags that they probably don't even want reads as out-of-touch with the experiences of UD residents, particularly those less privileged.

Appealing to the actions of nearby municipalities as a means to create consistency is troubling, as well, as this replaces the priorities of our township with those of other municipalities. Especially so if there is no underlying analytical rigor to their decisions in support of a ban.

Indeed, taking an alternative approach here creates opportunities for local businesses. By not banning something like others have done, you enable our local shops to have an advantage over other municipalities, not only in terms of consumer choice and convenience but lower compliance costs. Win/win for constituents and business owners!

I think that by examining the many unintended but very real consequences of other municipalities which have previously enacted such bans, you will see that there are alternative means that impose fewer costs and provide net more benefits to your constituents. A holistic consideration and data-driven approach to government would reflect very favorably on you as leaders and be something we could all feel proud of in Upper Dublin. Thank you.

Austin Faberman, 812 Firethorn Circle, submitted the following email to the board prior to the meeting:

My name is Austin Faberman; I live at 812 Firethorn Circle in Dresher. I am also a member of the Environmental Protection Advisory Board, and I desire to comment on the proposed Single Use Plastic Bag Regulations ordinance as a resident but also on behalf of the EPAB.

I, and the EPAB, believe the ordinance should be more comprehensive by adding polystyrene containers, plastic utensils and straws to the prohibited items. As with single use plastic bags, these items display all the undesirable features cited in the Findings Section of the proposed Ordinance. The Ambler and the Upper Merion ordinances, currently in effect, successfully include a ban on all of these items, even though Ambler has a thriving restaurant community, and Upper Merion has all the merchants in the King of Prussia mall. If restaurants and mall merchants in these communities can implement these policies, we believe businesses in Upper Dublin can do the same. Particularly with respect to polystyrene containers, since there are other quality

recyclable alternatives available (and many merchants are already using these alternative containers anyway). Due to ADA considerations, other peer ordinances have elected to make straws and plastic utensils available to the customer upon request.

One suggestion the EPAB has is to provide a longer implementation period for polystyrene containers, to give local merchants more time to find alternative food containers and to deplete their existing inventory; our understanding is that this is what Ambler did.

I understand that the BOC has discussed adding these additional items to the ordinance at a later date, but the EPAB believes that the time to do it is now, when there is momentum in adopting the ordinance. We fear that, despite the best intentions, future amendments to the ordinance will end up being sidetracked by other Township initiatives.

Thank you for your time and thoughtful consideration.

Austin Faberman, 812 Firethorn Circle, stated that he and the EPAB believe that the ordinance should be more inclusive to include polystyrene containers, straws, and utensils. Mr. Faberman also stated that surrounding areas such as Ambler and King of Prussia have implemented these more inclusive plastic bans and their restaurants have not had an issue complying.

Paul Brown, 1634 E Butler Pike, inquired about the authorization the township has in banning single use plastics and what kinds of single use plastic bags are banned.

Ms. Ferleger explained that this would not impact homeowners, it will only impact retailers who provide bags at their facility and that there are certain exceptions when it comes to bags made from recycled materials and when there is no alternative option such as meat/produce bags.

Mr. Lindh, stated that the board should take a closer look at the biodegradability of certain materials before enacting bans on plastic.

Mr. Ferguson stated to the board that newspaper is recyclable, but plastic bags are not, so recycling that has plastic in it will be considered contaminated as it cannot be sorted.

Mr. Haas, 107 Orlando Ave, expressed his agreement for including biobased plastics in the ordinance as their degradation in landfills has proven to be very slow compared to in a lab environment due to the lack of oxygen and enzymes when buried in a land fill.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab J – Consider motion to approve the Findings of Fact, Conclusions of Law and Decision granting Conditional Use Approval to Acute Medical Transport, Inc. for the property located at 550 Pinetown Road.

Ms. Knight motioned, with Dr. Scarpello seconding, to approve the Findings of Fact, Conclusions of Law and Decision granting Conditional Use Approval to Acute Medical Transport, Inc. for the property located at 550 Pinetown Road.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab K – Consider action on Resolution #24-2531 to approve Request for Waiver of Land Development for Upper Dublin School District, Proposed Temporary Double Wide Office Trailer at 275 New Jersey Drive, UD#24-1.

Ms. Fritzges motioned, with Dr. Scarpello seconding, to approve Request for Waiver of Land Development for Upper Dublin School District, Proposed Temporary Double Wide Office Trailer at 275 New Jersey Drive, UD#24-1.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab L – Consider motion to approve Resolution #24-2532 approving the Upper Dublin Township Municipal Authority’s (UDTMA’s) 2023 Annual Report and 2024 Business Improvement Plan; and to approve the UDTMA 2024 Budget.

Dr. Scarpello motioned, with Ms. Fritzges seconding, to approve Resolution #24-2532 approving the Upper Dublin Township Municipal Authority’s (UDTMA’s) 2023 Annual Report and 2024 Business Improvement Plan; and to approve the UDTMA 2024 Budget.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab M – Consider action on Resolution #24-2533 to approve the Municipal Authority’s proposed method of assessment for 2024.

Dr. Scarpello motioned, with Ms. Fritzges seconding, to approve the Municipal Authority’s proposed method of assessment for 2024.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab N – Consider motion to approve Temple Scholarship Amended and Restated Agreement.
Ms. Knight motioned, with Dr. Scarpello seconding, to approve the Temple Scholarship Amended and Restated Agreement.

Mr. Ferguson explained the history of the Temple Scholarship Grant program that was created by a previous Commissioner created over 30 years ago has increased to \$150,000. The grant had award restriction depending on the students major. Some years, no students would qualify and no grant awards were made. We are looking to keep all provisions in place with the caveat being that a student pursuing any major or is undecided will still be eligible to apply.

Mr. Brooman clarified that the only requirement is that the recipient has to be a graduate of Upper Dublin High School and explained that grant is funded based on the gained 4% interest of the trust.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab O – Consider action on Resolution #24-2534 to authorize a PA DCNR Community Conservation Partnership Program (C2P2) Grant Application requesting funds in the amount of \$35,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.

Ms. Fritzges motioned, with Dr. Scarpello seconding, to approve Resolution #24-2534 to authorize a PA DCNR Community Conservation Partnership Program (C2P2) Grant Application requesting funds in the amount of \$35,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab P – Consider action on Resolution #24-2535 to authorize a DVRPC Transportation and Community Development Initiative (TCDI) Grant Application requesting funds in the amount of \$70,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.

Ms. Fritzges motioned, with Dr. Scarpello seconding, to approve Resolution #24-2535 to authorize a DVRPC Transportation and Community Development Initiative (TCDI) Grant Application requesting funds in the amount of \$70,000 for the creation of the Green Ribbon Trail Safety & Access Improvement Plan.

VOTE ON MOTION ALL YES MOTION CARRIED

The Board allowed Mr. Lindh to make a statement regarding the Eagle Scout recognition that occurred earlier in the meeting.

Mr. Lindh suggested to the board consider posting small plaques of public recognition to eagle scouts at the location of their completed eagle scout projects.

Mr. Brooman expressed concern regarding consent since that idea would involve publicly posting the name of a minor.

NEXT MEETING:

Tuesday, April 9, 2024 Stated Meeting at 7:00 PM.

ADJOURNMENT:

Ms. Fritzges 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