

# LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS REGULAR PUBLIC MEETING

Tuesday, May 9, 2023, 7:00 p.m.



To join the meeting via Zoom:

<https://us02web.zoom.us/j/88176289108?pwd=dVpWdHpKQmgrMm9vVDhOKzVvQXVXZz09>

Call #: 1-646-876-9923

Meeting ID: 881 7628 9108 Passcode: 972225

---

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

### ANNOUNCEMENTS AND PRESENTATIONS

The Lower Gwynedd Township Police Department has been re-accredited by the Police Chiefs of Pennsylvania's Law Enforcement Accreditation Program.

There will be a ceremony raising the Pride Flag at Veterans Park on June 1, 2023 at 6:00 p.m.

All are welcome to come to the Community Picnic celebrating Juneteenth at Bethlehem Baptist Church on Saturday, June 17<sup>th</sup> from 2:00-4:00 p.m.

The Board of Supervisors met in executive session prior to tonight's meeting to discuss matters of personnel and litigation.

### PUBLIC COMMENTS

Citizen comments, concerns, or questions for items not on the agenda.

(Comments on agenda items will be taken when those items are discussed by the Board.)

### BUILDING AND ZONING

1. Resolution 2023-11 Preliminary/Final land development approval for Gwynedd Mercy Academy High School
2. Authorization to advertise an amendment to the Subdivision and Land Development Ordinance increasing the traffic impact fee
3. Review of Township Engineer's Report - any questions for the Township Engineer?
4. Review of Traffic Engineer's Report - any questions for the Traffic Engineer?

### GENERAL BUSINESS

1. Waiver of permit fees for "The Flowers Still Grow Fest" in Penllyn
2. Update on development of historical marker program
3. Authorization to advertise the bid for installation of equipment improvements and related construction for the traffic signal at Norristown Road and Tennis Avenue

4. Authorization for James D. Morrissey, Inc. to utilize a defined portion of the Township property located at 901 Sumneytown Pike (former Texaco Station) as a staging area for the Spring House Intersection Improvement for the duration of the project.
5. Approval of "Lower Gwynedd Township Cafeteria Plan" for optional employee benefits
6. Approval of Inter-governmental Agreement with North Wales Borough and Upper Gwynedd Township to create Joint Board of Appeals for the Uniform Construction Code
7. Ratification of General Release
8. Approval of minutes – April 25, 2023

### **SUPERVISOR LIAISON REPORTS**

Updates on Township Volunteer Commissions from Supervisor Liaisons

### **STAFF UPDATES**

Updates from staff on municipal activities and projects – PennDOT low-cost safety improvements on Gypsy Hill Road

### **SUPERVISORS COMMENTS**

Comments or questions from the Board of Supervisors

### **Adjournment**

### **UPCOMING MEETING DATES\***

HUMAN RELATIONS COMMISSION	THURS	06/01/2023	7:00 P.M.
BOARD OF SUPERVISORS	TUES	05/23/2023	7:00 P.M.
ENVIRONMENTAL ADVISORY COUNCIL	WED	05/10/2023	7:00 P.M.
ZONING HEARING BOARD	THURS	05/11/2023	6:00 P.M.
PARKS AND RECREATION	MON	05/15/2023	6:00 P.M.
PLANNING COMMISSION	WED	05/17/2023	7:00 P.M.
HISTORICAL ADVISORY COMMITTEE	THURS	05/18/2023	6:00 P.M.

\*Please check the Township website to confirm meeting dates and times.



## MEMORANDUM

**ATTN:** Board of Supervisors  
**DATE:** Friday, May 05, 2023  
**FROM:** Jamie P. Worman, Assistant Township Manager  
**SUBJ:** Gwynedd Mercy Academy High School (#22-07LD)

**RE: Conditional Preliminary/Final Approval of the Gwynedd Mercy Academy High School Land Development (#22-07LD)**

This proposed project is for a building addition to the existing high school that will include a cafeteria, meeting space, and counseling offices and storage. New concrete walks and a new paved parking area along with associated stormwater management improvements are also proposed at Gwynedd Mercy Academy High School located at 1345 Sumneytown Pike. The applicant has received the required reviews by the Township Engineer, Township Traffic Engineer, and the Township Fire Marshal and agree to comply with the review comments contained within. The project received a recommendation for approval from the LG Planning Commission at their meeting on February 15, 2023 and presented this plan to the BOS at their meeting on April 11<sup>th</sup>, 2023. The applicant has agreed to the BOS request to provide an easement for a future trail connection and to also provide additional trees. A revised trail exhibit and landscaping plan showing the additional trees have been attached to the resolution. A link to the land development plan is listed below. ***The recommended action is that the BOS grant preliminary/final approval to the Gwynedd Mercy Academy High School Land Development (#22-07LD) with the conditions noted above and in the approval Resolution.***

[Gwynedd Mercy Academy High School \(#22-07LD\) Plan](#)

LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS  
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2023-\_\_\_\_\_

PRELIMINARY AND FINAL LAND DEVELOPMENT  
APPLICATION OF GWYNEDD MERCY ACADEMY HIGH SCHOOL  
1345 SUMNEYTOWN PIKE (#22-07 LD)

PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL

---

**BACKGROUND**

A. **GWYNEDD MERCY ACADEMY HIGH SCHOOL** (the "**Applicant**"), is the owner of property located at 1345 Sumneytown Pike (Tax Parcel #39-00-03957-00-9), consisting of +/- 42 acres located in the A-Residential District, which presently contains an existing high school with several accessory buildings, athletic fields and facilities, parking areas and access drives (collectively, the "**Property**").

B. The Applicant has filed an application (the "**Application**") proposing a building addition to the existing structure, new concrete walkways and a new paved parking area. Proposed utilities will be incorporated into existing public sewer and water infrastructure and additional runoff produced by this new construction will be managed by a proposed basin (collectively, the "**Development**").

C. The Development is more particularly depicted and described in the following plans and reports, all as prepared by Woodrow & Associates, Inc. (collectively, the "**Plans**"):

(1) Preliminary/Final Land Development Plans, consisting of sheets 1 through 16 of 16, dated November 21, 2022, last revised March 13, 2023.

(2) Post-Construction Stormwater Management Report dated November 2022, last revised March 2023.

(3) Erosion and Sedimentation Control Report dated November 2022, last revised March 2023.

(4) Drainage Area Boundary Plans, consisting of sheets 1 through 3 of 3, dated November 21, 2022.

D. Applicant has previously obtained (or will obtain) and provided to the Township all applicable permits from all authorities, agencies and municipalities having jurisdiction, as well as any necessary offsite easements (collectively, the "**Third Party Approvals**").

E. The Applicant desires to obtain preliminary and final land development approval of the Plans from Lower Gwynedd Township in accordance with Section 508 (53 P.S. §10508) of the Pennsylvania Municipalities Planning Code (“MPC”).

### RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED** that the Lower Gwynedd Township Board of Supervisors (the “Board”) hereby grants preliminary and final approval of the Development (the “Approval”), as depicted in the Plans. The Approval is expressly made subject to the following conditions:

1. The Planning Commission and the Township Engineer have recommended, and the Board has determined that the waivers requested by the Applicant are necessary to alleviate the undue hardship created by peculiar conditions pertaining to the Property, will not be contrary to the public interest and that the purpose and intent of the Codes of Lower Gwynedd Township are observed. Therefore, the Board waives strict compliance with the following provisions of the Lower Gwynedd Township Subdivision and Land Development Ordinance (“SALDO”):

(a) **§1230.19.b.** A waiver to allow consideration and approval of a concurrent Preliminary & Final land development application.

(b) **§1230.37(c)&(e) & §1230.61.** A waiver from providing curbing and the dedication of additional right-of-way beyond the existing legal right-of-way for Sumneytown Pike and Evans Road.

(c) **§1230.41(a) & §1230.42(a)(1).** A waiver from the requirement of planting street trees along Sumneytown Pike and Evans Road. Notwithstanding the foregoing, this waiver is expressly conditioned upon compliance with the revised landscape plan attached hereto as Exhibit “A” and incorporated herein by reference.

(d) **§1230.41(g).** A waiver to allow for greater than ten (10) spaces to be permitted without a landscape strip having a width of ten (10) feet, and a waiver from the required ten percent (10%) of the parking area to be devoted to landscaping.

(e) **§1230.45.** A waiver from the requirement of sidewalks along all existing and new streets and pedestrian trails to be a minimum width of eight feet (8’) except in such locations as may be determined by the Board of Supervisors. This waiver is intended to apply to frontages along Sumneytown Pike and Evans Road. Notwithstanding the foregoing, this waiver is expressly conditioned upon the Applicant’s compliance with the plan depicting additional public trail easements of fifteen feet (15’) in width, as depicted on the plan attached hereto as Exhibit “B” and incorporated herein by reference. The trail easements shall be dedicated to the Township without cost or expense. Deed(s) of dedication shall be signed by the Applicant and recorded prior to the issuance of any building permits for the Development.

(f) **§1230.59.** A partial waiver from the requirement of installing monuments along all property corners.

(g) **§1241.401(n).** A waiver from the requirement of all storm piping being a minimum of eighteen-inch (18”) diameter and reinforced concrete material.

2. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letter dated April 5, 2023, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Fire Marshal's review letter dated December 9, 2021, which was further revised pursuant to an email dated February 13, 2023, the entire contents of which are incorporated herein by reference.

4. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Traffic Engineer's review letter dated April 5, 2023, the entire contents of which are incorporated herein by reference.

5. The Applicant shall revise the Plans to satisfy all comments of the Township Planning Commission, the Zoning Officer and the Montgomery County Planning Commission, except to the extent such comments are modified or waived by the terms of this Resolution. The Applicant shall revise the Plans to include the location of not less than five (5) EV charging stations which shall be "roughed in" during construction of the subject improvements.

6. Prior to recording the Plans, the Applicant shall provide the Township with all required Third Party Approvals.

7. Prior to recording the Plans, Applicant shall enter into a Land Development and Financial Security Agreement with the Township, in form and content satisfactory to the Township (the "**Development Agreement**"). In the Development Agreement, the Applicant shall post financial security, in form and amount satisfactory to the Township, to guarantee completion of the public improvements depicted in the Plans, in strict accordance with Township criteria and specifications.

8. The Applicant and the Applicant's successors and assigns shall be responsible for the maintenance of all stormwater collection, detention and conveyance facilities depicted in the Plans. Prior to the recording of the Plans, the Applicant shall sign the Township's form of Stormwater Ownership and Maintenance Agreement.

9. Prior to the recording of the Plans, the Applicant shall pay to the Township:

(a) a recreation impact fee in the amount of **Nine Thousand Five Hundred Dollars (\$9,500.00)**, as required by the Codified Ordinances of Lower Gwynedd Township.

(b) a Stormwater Management Fee in the amount of **Eleven Thousand Two Hundred Fifty-Four Dollars and fifty cents (\$11,254.50)**, as required by the Codified Ordinances of Lower Gwynedd Township.

(c) a Transportation Impact Fee shall not be required in accordance with the Lower Gwynedd Township Transportation Impact Fee Ordinance.

10. The Development shall be constructed in strict accordance with all decisions and orders, if any, issued by the Lower Gwynedd Township Zoning Hearing Board.

11. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Preliminary and Final Approval Resolution.

12. Applicant shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hours' notice prior to the initiation of any grading or ground clearing (whether for the construction of public improvements or in connection with individual buildings or additions), so that the Township may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Township) have been installed to protect such trees as are specifically proposed not to be removed from the Property.

13. Consistent with Section 509(b) of the MPC (53 P.S. §10509(b)), the payment of all applicable fees and the funding of all escrows under the Development Agreement must be accomplished within ninety (90) days of the date of this Resolution, unless a written extension is granted by the Board. Until the applicable fees have been paid and the escrows fully funded, the record plan shall not be signed or recorded. If the fees have not been paid and the escrow has not been funded within ninety (90) days of this Resolution (or any written extension thereof), this Approval shall expire and be deemed to have been revoked.

14. Under the provisions of the MPC, the Applicant has the right to accept or reject the conditions of Approval imposed by the Board. In the absence of a written appeal or a notice of rejection filed within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Applicant. If the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, the Approval, the waivers and deferrals granted herein shall be deemed to be automatically rescinded and revoked and the Application shall be considered denied based upon the failure to fully comply with all of the conditions set forth herein, all as authorized by Section 508 of the MPC (53 P.S. §10508).

15. The cost of accomplishing, satisfying, and meeting the terms and conditions and requirements of the Plans, notes to the Plans, this Resolution, and the Development Agreement, shall be borne entirely by the Applicant at no cost to the Township.

16. If any provision of this Resolution or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

**SIGNATURES BEGIN ON THE FOLLOWING PAGE**

**APPROVED** at the public meeting of the Lower Gwynedd Township Board of Supervisors held on the 9<sup>th</sup> day of May, 2023.

**ATTEST:**

**LOWER GWYNEDD TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
**MIMI GLEASON, TOWNSHIP SECRETARY**

By: \_\_\_\_\_  
**DANIELLE A. DUCKETT, CHAIRPERSON**

**ACCEPTED BY THE APPLICANT:**  
**GWYNEDD MERCY ACADEMY HIGH SCHOOL**  
**By: GWYNEDD MERCY UNIVERSITY**

By: \_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2023







**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722 • FAX: 610-278-3941  
[WWW.MONTCOPA.ORG](http://WWW.MONTCOPA.ORG)

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

January 4, 2023

Ms. Jamie Worman, Assistant Township Manager  
Lower Gwynedd Township  
1130 North Bethlehem Pike  
Post Office Box 625  
Spring House, Pennsylvania 19477

Re: MCPC # 22-0288-001  
Plan Name: Gwynedd Mercy HS addition  
(1 lot comprising approximately 42.08 acres)  
Situate: Sumneytown Pike (cross street: Evans Road)  
Upper Dublin Township

Dear Ms. Jamie Worman:

We have reviewed the above-referenced land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on December 1, 2022. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Gwynedd Mercy Academy High School, is proposing an expansion to the Gwynedd Mercy Academy High School building. The existing multi-story building has a footprint area of 96,166 square feet. Demolition of a portion of the existing building and other site features would be required, and the new construction would increase impervious coverage by 0.57 acres (from 22.25% to 23.62%). A sidewalk would be installed along the parking lot adjacent to the building, as well as a walkway and terrace area on the side of the building addition that would face the existing ball fields. In addition to the high school building, the property contains parking lots and various outdoor sport facilities. A tributary of the Trewellyn Creek is located north of the building and bisects the property.

The property is located in the A Residential Zoning District. Educational uses are permitted in the A Residential district when authorized as a special exception.

## COMPREHENSIVE PLAN COMPLIANCE

The proposal is generally consistent with the county's comprehensive plan, *MONTCO 2040: A Shared Vision*, which shows the area as being located in the "Suburban Residential" future land use area. In addition to low-



density residential, institutional uses are identified as one of the primary uses in Suburban Residential areas. Non-residential buildings should have a residential character, with pitched roofs, small building footprints, residential building materials, and residentially-scaled windows and doors. These uses must also be designed to limit potential impacts of traffic, noise, and light. Trees, steep slopes, wetlands, and other sensitive land should be preserved, and appropriate landscaping, buffers, and street trees should be provided by all developments.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and township may wish to consider prior to final plan approval. Our comments are as follows:

## REVIEW COMMENTS

### PEDESTRIAN CONNECTIVITY

The applicant is proposing a waiver from the Subdivision and Land Development Ordinance (SALDO) Section 1230.45, which requires that sidewalks be provided along both sides of existing and new streets and that pedestrian trails be provided in locations determined by the Board of Supervisors. Portions of Sumneytown Pike currently have sidewalks, including along the frontage of the adjacent Gwynedd Mercy University property. We recommend that the township consider the long-range goals for pedestrian connectivity when determining whether to grant the applicant the sidewalk requirement waiver.

### LANDSCAPING

A landscape plan was not submitted with the proposal; therefore our recommendations are made without having reviewed a landscape plan for the site.

- A. Street Trees. The applicant is requesting a waiver from SALDO Section 1230.41(a), which would require that street trees be planted along existing streets. We believe that this proposed land development presents an opportunity to fill any gaps that may exist between street trees along both Evans Road and Sumneytown Pike. We suggest that the township consider the goals for growing the tree canopy and the importance of streetscape design in the township when evaluating the waiver request. We recommend that the applicant examine the health and conditions of the existing street trees to determine if replacement trees are needed in any location along the street frontage.
- B. Stormwater Best Management Practices (BMP). The applicant is proposing to construct a bio-retention basin area, located between the existing ball field and the wooded area around the Trewellyn Creek tributary. We commend the applicant for proposing a stormwater BMP, which will help to improve water quality of Trewellyn Creek. We recommend that the applicant landscape the bio-retention basin with appropriate shrubs and grasses, and suggest that the applicant reference the Pennsylvania Department of Environmental Protection (DEP) for [specific design considerations](#).

## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will help to achieve more pedestrian friendly conditions for the development along Sumneytown Pike.

Please note that the review comments and recommendations contained in this report are advisory to the township and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files. Please print the assigned MCPC number (22-0288-001) on any plans submitted for final recording.

Sincerely,



Claire Warner, Senior Community Planner  
[cwarner@montcopa.org](mailto:cwarner@montcopa.org) – 610-278-3755

c: Woodrow & Associates, Applicant's Representative  
Kenneth Amey, AICP, Township Zoning Officer  
Craig Melograno, Chairman, Planning Commission  
Mimi Gleason, Interim Township Manager

Attachment A: Aerial Image of Site

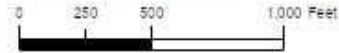
Attachment B: Reduced Copy of Applicant's Proposed Site Plan

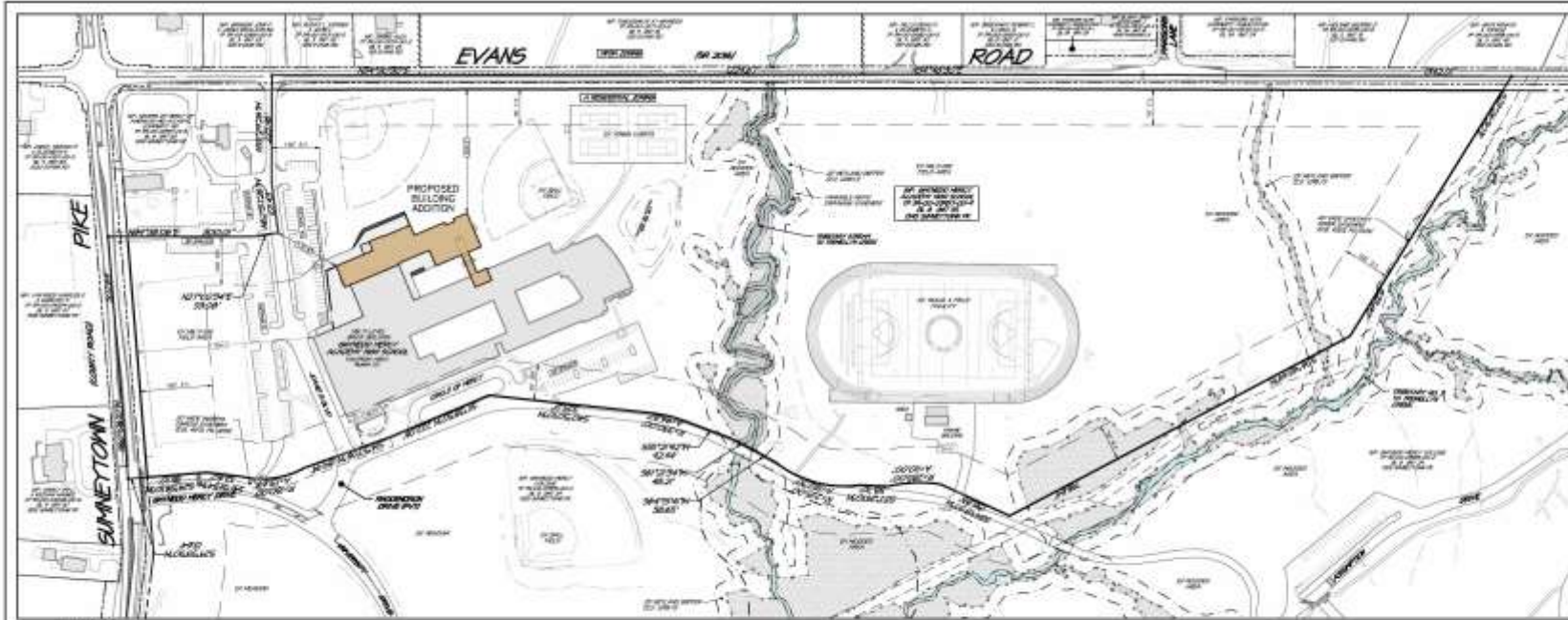
**ATTACHMENTS A & B**



Gwynedd Mercy High School Addition  
MCPC#220288001

Montgomery  
County  
Planning  
Commission  
Montgomery County Courthouse - Planning Commission  
900 Elm 3111 Norristown PA 19384-0311  
(610) 278-3723 (t) 610-278-3441  
www.montcopa.org/placomm  
Aerial photography provided by Aerialmap





**PLAN LEGEND**

- - - - - Proposed Addition  
 - - - - - Existing Building Footprint  
 - - - - - Existing Site  
 - - - - - Existing Roadway  
 - - - - - Existing Utility Lines  
 - - - - - Existing Easements  
 - - - - - Existing Survey  
 - - - - - Existing Topography  
 - - - - - Existing Contour Lines  
 - - - - - Existing Spot Elevation  
 - - - - - Existing Elevation  
 - - - - - Existing Area  
 - - - - - Existing Volume  
 - - - - - Existing Weight  
 - - - - - Existing Length  
 - - - - - Existing Width  
 - - - - - Existing Height  
 - - - - - Existing Depth  
 - - - - - Existing Thickness  
 - - - - - Existing Diameter  
 - - - - - Existing Radius  
 - - - - - Existing Circumference  
 - - - - - Existing Area  
 - - - - - Existing Volume  
 - - - - - Existing Weight  
 - - - - - Existing Length  
 - - - - - Existing Width  
 - - - - - Existing Height  
 - - - - - Existing Depth  
 - - - - - Existing Thickness  
 - - - - - Existing Diameter  
 - - - - - Existing Radius  
 - - - - - Existing Circumference

**CHANGING ZONING DISTRICT**

- - - - - Existing Zoning District  
 - - - - - Proposed Zoning District  
 - - - - - Existing Zoning District  
 - - - - - Proposed Zoning District  
 - - - - - Existing Zoning District  
 - - - - - Proposed Zoning District  
 - - - - - Existing Zoning District  
 - - - - - Proposed Zoning District  
 - - - - - Existing Zoning District  
 - - - - - Proposed Zoning District  
 - - - - - Existing Zoning District  
 - - - - - Proposed Zoning District

**ZONING and SITE DATA SCHEDULE**

Lot No.	Area (sq. ft.)	Volume (cu. ft.)	Weight (lb.)	Length (ft.)	Width (ft.)	Height (ft.)	Depth (ft.)	Thickness (ft.)	Diameter (ft.)	Radius (ft.)	Circumference (ft.)
1	10,000	100,000	1,000,000	100	100	100	100	100	100	50	314
2	20,000	200,000	2,000,000	200	200	200	200	200	200	100	628
3	30,000	300,000	3,000,000	300	300	300	300	300	300	150	942
4	40,000	400,000	4,000,000	400	400	400	400	400	400	200	1,256
5	50,000	500,000	5,000,000	500	500	500	500	500	500	250	1,570
6	60,000	600,000	6,000,000	600	600	600	600	600	600	300	1,884
7	70,000	700,000	7,000,000	700	700	700	700	700	700	350	2,198
8	80,000	800,000	8,000,000	800	800	800	800	800	800	400	2,512
9	90,000	900,000	9,000,000	900	900	900	900	900	900	450	2,826
10	100,000	1,000,000	10,000,000	1,000	1,000	1,000	1,000	1,000	1,000	500	3,141

**LOT INTERIORITY SCHEDULE**

Lot No.	Area (sq. ft.)	Volume (cu. ft.)	Weight (lb.)	Length (ft.)	Width (ft.)	Height (ft.)	Depth (ft.)	Thickness (ft.)	Diameter (ft.)	Radius (ft.)	Circumference (ft.)
1	10,000	100,000	1,000,000	100	100	100	100	100	100	50	314
2	20,000	200,000	2,000,000	200	200	200	200	200	200	100	628
3	30,000	300,000	3,000,000	300	300	300	300	300	300	150	942
4	40,000	400,000	4,000,000	400	400	400	400	400	400	200	1,256
5	50,000	500,000	5,000,000	500	500	500	500	500	500	250	1,570
6	60,000	600,000	6,000,000	600	600	600	600	600	600	300	1,884
7	70,000	700,000	7,000,000	700	700	700	700	700	700	350	2,198
8	80,000	800,000	8,000,000	800	800	800	800	800	800	400	2,512
9	90,000	900,000	9,000,000	900	900	900	900	900	900	450	2,826
10	100,000	1,000,000	10,000,000	1,000	1,000	1,000	1,000	1,000	1,000	500	3,141

**LAND DEVELOPMENT APPROVAL**

The applicant hereby certifies that the information provided in this application is true and correct to the best of their knowledge and belief.

**APPROVED AND CERTIFIED:**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**GENERAL PLAN NOTES**

1. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies.

2. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

3. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

4. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

5. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

6. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

7. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

8. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

9. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

10. The applicant shall be responsible for providing all necessary information and documentation to the appropriate agencies.

**RECORD OF DECISION**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**FOR GANNETT MEDICAL ACADEMY HIGH SCHOOL**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**BOARD OF SUPERVISORS CERTIFICATE**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**DIVISION'S CERTIFICATION**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**PLANNING COMMISSION CERTIFICATE**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**TOWNSHIP ENGINEER CERTIFICATE**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**COMMISSIONER OF DEVELOPMENT**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**RECORDING NOTE**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**RECORD PLAN - LAND DEVELOPMENT**

**GANNETT MEDICAL ACADEMY HIGH SCHOOL**

**WANNOP & ASSOCIATES, INC.**

\_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**2 of 19**



## Office of the Fire Marshal

1130 N. Bethlehem Pike--P.O.Box 625--Spring House, PA 19477-0625--(215) 646-5302--FAX (215) 646-3357

---

### MEMORANDUM

TO: LOWER GWYNEDD PLANNING COMMISSION, PATTY FURBER, MIMI GLEASON, JAMIE WORMAN  
FROM: AL COMLY  
DATE: FEBRUARY 13, 2023

**RE: LAND DEVELOPMENT APPLICATION—GWYNEDD MERCY ACADEMY HIGH SCHOOL--BUILDING ADDITION**

I have reviewed the most recent submittal of the following drawings prepared in response to questions and concerns raised at a project planning meeting held on January 24, 2023 at Gwynedd Mercy Academy site.

Project Area Development Plan, drawing 6 of 19, dated November 21, 2022, no revisions, prepared by Woodrow & Associates—showing the walkways from the emergency exits on the northwest side of the existing structure and the proposed addition. This plan satisfies the concerns identified in Woodrow letter to the Township (addressed to Patty Furber) dated February 7, 2023 item 1b

First Floor Fire Suppression Plan, drawing SKA-002, dated February 3, 2023, received 2-9-2023 electronically, showing the phased plan to achieve full sprinkler installation in the existing building as well as all new construction by the end of the 2034 calendar year. Various interim steps are shown that will be milestone events toward the final 2034 completion. This plan satisfies the concerns identified in Woodrow letter to the Township (addressed to Patty Furber) dated February 7, 2023 item 1a

I find both of these drawings to be acceptable exhibits for inclusion in the final Land Development Documents and to satisfy the fire/ life safety concerns raised by this office in earlier reviews.

Item 1c in the Woodrow letter of February 7, 2023 can be addressed as the construction process continues with the understanding that it will be remote from the building.

Please contact me if questions remain to be answered.





**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

April 5, 2023

File No. 22-12001

Mimi Gleason, Interim Township Manager  
Lower Gwynedd Township  
1130 N Bethlehem Pike  
P.O. Box 625  
Spring House, PA 19477

Reference: Gwynedd Mercy Academy High School  
TMP #39-00-03957-00-9, Block 8, Unit 55  
Preliminary/Final Land Development Plans – Review 2

Dear Ms. Gleason:

Pursuant to your request, Gilmore & Associates, Inc. performed a review of the preliminary/final land development plans for the above-referenced project. Upon review, we offer the following comments for consideration by the Lower Gwynedd Township Board of Supervisors:

I. Submission

- A. Preliminary/Final Land Development Plans, consisting of sheets 1 through 16 of 16, dated November 21, 2022, last revised March 13, 2023, as prepared by Woodrow & Associates, Inc. for Gwynedd Mercy Academy High School, located at 1345 Sumneytown Pike.
- B. Post-Construction Stormwater Management Report dated November 2022, last revised March 2023, as prepared by Woodrow & Associates, Inc.
- C. Erosion and Sedimentation Control Report dated November 2022, last revised March 2023, as prepared by Woodrow & Associates, Inc., for Gwynedd Mercy Academy High School.
- D. Drainage Area Boundary Plans, consisting of sheets 1 through 3 of 3, dated November 21, 2022, as prepared by Woodrow & Associates, Inc.

II. Project Description

The subject property TMP #39-00-03957-00-9, located at 1345 Sumneytown Pike, is situated in the Lower Gwynedd Township A-Residential District. The subject property is accessed from Sumneytown Pike and Evans Road (SR 2016). The tract consists of approximately 42 acres and currently contains an existing high school with several accessory buildings, athletic fields and facilities, parking areas and access drives.

The plans propose a building addition to the existing structure, new concrete walks and a new paved parking area. Proposed utilities will be incorporated into existing public sewer and water infrastructure and additional runoff produced by this new construction will be managed by the proposed basin.

III. Review Comments

A. Zoning Ordinance

We defer all comments with respect to the Lower Gwynedd Township Zoning Ordinance to the Township's Zoning Officer.

---

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

B. Waivers Requested

Pursuant to §1230.09, the Township Board of Supervisors may grant a waiver of the requirements of one or more provisions of this ordinance provided the Applicant proves undue hardship. All waivers shall be formally requested from the Township and shall be in writing and shall accompany and be part of the application for development. The Record Plan shall list the waivers, applicable section numbers, and the date granted as applicable, including any conditions.

The following waiver requests shall be noted on the Record Plan, Sheet 1:

1. §1230.19.b – A waiver to allow concurrent Preliminary & Final land development application and approval of the project.
2. §1230.37(c)&(e) & §1230.61 – A waiver from providing curbing and the dedication of additional right-of-way beyond the existing legal right-of-way for Sumneytown Pike and Evans Road.
3. §1230.41(a) & §1230.42(a)(1) – A waiver from the requirement of planting street trees along Sumneytown Pike and Evans Road.
4. §1230.41(g) – A waiver to allow for greater than ten (10) spaces to be permitted without a landscape strip having a width of ten (10) feet and a waiver from the required 10% parking area to be devoted to landscaping.
5. §1230.45 – A waiver from the requirement of sidewalks along all existing and new streets and pedestrian trails to be a minimum width of 8 feet except in such locations as may be determined by the Board of Supervisors. This waiver is intended to apply to frontages along Sumneytown Pike and Evans Road.
6. §1230.59 – A partial waiver from the requirement of installing monuments along all property corners.
7. §1241.401(n) – A waiver from the requirement of all storm piping being a minimum of 18” diameter and reinforced concrete material.

C. Subdivision and Land Development Ordinance

We offer the following comments with respect to the current Lower Gwynedd Township Subdivision and Land Development Ordinance:

1. §1230.15 – The Applicant is responsible for all required approvals, permits, etc. (e.g., Montgomery County Conservation District, PennDOT HOP, Fire Marshal, PADEP, etc.).
2. §1230.19 – The following general information shall be provided or revised on the plans:
  - a. The Landscape Requirements Table on the Development and Landscape Plan, Sheet 6, shall be revised to note the correct tree replacement section, §1230.41(i).
  - b. The plans shall be revised to provide additional spot elevations at the proposed ADA curb ramp to ensure the accessibility slope requirements are met.
3. §1230.33 – The Applicant is required to obtain an NPDES and Erosion & Sediment Control permit from the Montgomery County Conservation District. The Township should be copied on all future correspondence with the Conservation District.
4. §1230.40 – We defer the review of the Traffic Impact Study to the Township Traffic Engineer.
5. §1230.62 – The Applicant shall obtain a “will serve” letter from the water supplier. A copy of the letter shall be provided to the Township. Additionally, the plans shall be submitted to the water supplier for review/approval.

6. §1230.63 – The Applicant shall confirm the existing allocated sewer capacity and prior PA DEP planning approval for the site/project. Additionally, documentation shall be provided as to whether or not the proposed project improvements will increase the need for additional sewer capacity, and if any PA DEP sewage planning is necessary.
7. §1236.12(a)&(b) – In accordance with this section of the ordinance, the Applicant is required to pay a Recreation Impact Fee for non-residential developments. The required fee is to be calculated as \$500 per 1000 square feet being constructed. As such, for the building addition of approximately 19,000 sf, the total Recreation Impact Fee would be \$9,500.00.
8. We defer to the Township Traffic Engineer to calculate the impact fee in accordance with the Township's Act 209 Study, if applicable.

B. Stormwater Management Ordinance

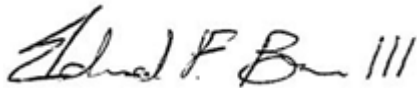
We offer the following comments with respect to the Lower Gwynedd Township Stormwater Management Ordinance (SWMO):

1. §1241.401 – The Applicant shall address the following general plan issues regarding the stormwater management design:
  - a. The plans shall be revised to provide details of the proposed area drains (ST-01 to ST-04) and the 2'x2' box with M Top (ST-05).
  - b. We note that the Profile: ST-01 to ST-07 indicates a pipe size of 8" from ST-05 to ST-07, however, the Profile ST-06 to ST-10 indicates and 12" pipe into ST-07. The plans shall verify all pipe sizes and revise accordingly.
2. §1241.704 – The Applicant will be required to enter into a Stormwater Ownership & Maintenance Agreement with the Township for the proposed on-site stormwater improvements. The document will be prepared by the Township Solicitor and should be executed prior to the plans being recorded.
3. In accordance with Lower Gwynedd Township Resolution 2005-16, the Applicant is required to pay a Stormwater Management Facility fee in the amount of \$500 per 1000 cubic feet of storage volume within the proposed BMP's. We calculate the fee to be based on the 100-year water surface elevation to be \$11,254.50.

In order to expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter. Additional review comments not referenced in this letter may be made upon review of the revised plan submission.

If you should have any questions, please feel free to contact our office.

Sincerely,



Edward Brown, P.E.  
Project Manager  
Gilmore & Associates, Inc.

EB/sl

cc: Steve Ware, Township Zoning Officer  
Jamie Worman, Assistant Township Manager  
Neil A Stein, Esq., Township Solicitor  
Patty Sexton-Furber, Building Codes Administrator  
Al Comly, Township Fire Marshal  
Chad Dixon, AICP, PP, McMahan Associates, Inc.  
Timothy Woodrow, P.E., Woodrow & Associates, Inc.  
James Hersh, P.E., Gilmore & Associates, Inc.



April 5, 2023

Ms. Mimi Gleason  
Interim Manager  
Lower Gwynedd Township  
1130 N. Bethlehem Pike  
P.O. Box 625  
Spring House, PA 19477

RE: **Traffic Review #2 – Preliminary/Final Land Development Plans**  
Gwynedd Mercy Academy High School Campus  
Lower Gwynedd Township, Montgomery County, PA  
McMahon Project No. 822C62.11

Dear Mimi,

Per your request, McMahon, a Bowman company (McMahon) has completed our second (2<sup>nd</sup>) traffic review for the proposed site modifications to be located on the Gwynedd Mercy Academy High School Campus in Lower Gwynedd Township, Montgomery County, PA. The proposed site modifications will consist of constructing an approximate 19,600 square-foot building addition and parking lot modifications. Access to the school campus will continue to be provided via the existing driveways along Sumneytown Pike and Evans Road (SR. 2016).

The following documents were reviewed in preparation of our comments:

- Preliminary/Final Land Development Plans – Gwynedd Mercy Academy High School, prepared by Woodrow & Associates, Inc., last revised March 13, 2023.
- Response to Comments Letter – Gwynedd Mercy Academy High School, prepared by Woodrow & Associates, Inc., dated March 13, 2023.

Based on our review of the documents listed above, McMahon offers the following comments for consideration by the Township and action by the applicant's team to address:

1. The applicant is requesting a waiver from the following ordinance requirements:
  - Section 1230.37(c) – requiring curbing along Sumneytown Pike and Evans Road (S.R. 2016) and provision of a 100-foot ultimate right-of-way along the Sumneytown Pike site frontage and an 80-foot ultimate right-of-way along the Evans Road (S.R. 2016) site frontage.
  - Section 1230.45 – requiring sidewalk along the Sumneytown Pike and Evans Road (S.R. 2016) site frontages and pedestrian trails to be a minimum of 8 feet in width.
2. According to **Section 1230.40(a)(1)D** of the **Subdivision and Land Development Ordinance**, a traffic impact study is required for the proposed building addition. Based on the plans referenced above and supplemental correspondence provided by the applicant, the additional square footage with the expansion will not be utilized to increase the number of students or staff. Therefore, it is unlikely that the expansion of the school will generate additional site traffic.
3. Since the existing striped parallel parking spaces located along Reiley's Way will no longer be needed at the start of the Fall 2023 school year due to enrollments projections as noted in the applicant's engineer's

425 Commerce Drive, Suite 200, Fort Washington, PA 19034  
P: 215.283.9444

[mcmahonassociates.com](http://mcmahonassociates.com) | [bowman.com](http://bowman.com)

response to comment 5, a "To Be Removed" label should be shown on the plans for these parking spaces and "No Parking" signs should be shown along both sides of the entire length of Reiley's Way.

4. A Stop bar should be shown on the plans at following locations:
  - At the stop sign on the northbound and southbound approaches of the westernmost driveways along Reiley's Way leading to/from the parking areas to the southwest of the school.
  - At the stop sign on the southbound approach of the driveway along Reiley's Way on the southwestern corner of the existing building.
5. The proposed development is subject to the transportation impact fee of \$2,285 per "new" weekday afternoon peak hour trip. Based on the plans referenced above and supplemental correspondence provided by the applicant, the additional square footage with the expansion will not be utilized to increase the number of students or staff. Therefore, the proposed expansion is not expected to generate "new" weekday afternoon peak hour trips subject to the transportation impact fee.
6. If a Highway Occupancy Permit is required from PennDOT or Montgomery County for any modifications to the site frontage within the right-of-way along Evans Road (S.R. 2016) or Sumneytown Pike, the Township and our office must be copied on any plan submissions and correspondence and invited to any meetings.
7. In all subsequent submissions, the applicant's engineer must provide a response letter that describes how each specific review comment has been addressed, where each can be found in the plan sheets, or other materials.

We trust that this review letter responds to the Township's request and addresses our review of the materials related to the proposed development apparent to us at this time. If the Township has any questions, or requires further clarification, please contact me.

Sincerely,



Chad Dixon, AICP, PP  
Senior Project Manager

BMJ/CED

cc: Jamie Worman, Assistant Township Manager  
Patty Sexton-Furber, Building Codes Administrator  
James Hersh, P.E., Gilmore & Associates, Inc.  
Neil Stein, Esquire, Solicitor  
Steve Ware, Zoning Officer  
Tim Woodrow, P.E., Woodrow & Associates, Inc.

I:\eng\LOWERGWI\822C62 - Gwynedd Academy HS\Project\_Management\Submissions\2023-03-15 LD\Review\2023-04-05 Review Letter #2\_Gwynedd Mercy HS.docx

**LOWER GWYNEDD TOWNSHIP  
PLANNING COMMISSION  
Minutes of February 15, 2023**

**Present:** Rich Valiga, Vice-Chair  
Danielle Porreca  
Joel Mayor  
Maureen Nunn  
Stephen Paccione  
Rusty Beardsley

Patty Furber, B&Z Administrator  
Ed Brown, Gilmore & Associates  
Chad Dixson, McMahon & Assoc.

**Absent:** Craig Melograno, Chairman

**Call to Order:**

The meeting of the Lower Gwynedd Township Planning Commission was called to order at 7:00 PM.

**Approval of Minutes: January 18, 2023**

A motion was made by Ms. Porreca and seconded by Mr. Mayor to approve the minutes of the Lower Gwynedd Township Planning Commission meeting of January 18, 2023. The motion carried unanimously.

**1345 Sunneytown Pike  
Building Addition  
Gwynedd Mercy Academy High School**

**#22-07LD**

Present for the continuation of the applicant was Mr. Tim Woodrow from Woodrow & Associates, Ms. Christen Pionzio from HRMM&L, Ms. Shannon Abraham from KCBA Architects and Gwynedd Mercy Academy High School President, Ms. Denise Marbach.

Ms. Pionzio stated that during their last appearance in front of the board, she left with a list and wanted to inform the board of their progress. They consolidated the street improvements along Sunneytown Pike which consisted of the curbing along Sunneytown Pike & Evans Rd. which was submitted. Ms. Pionzio explained that their landscape architect went out to the site, calculated the required trees versus the existing street trees and found that they do comply with the required number and quantity, but

spacing was an issue. Ms. Pionzio stated that they submitted a landscaping chart with Mr. Woodrow's latest submission. Ms. Pionzio stated that she met with both the Fire Marshal, Mr. Al Comly and Mr. Dixon from McMahon & Associates.

Ms. Pionzio stated that during the site meeting, they decided that the construction entrance would be moved to avoid headlights shining into the adjacent neighboring houses. Ms. Pionzio stated that they have been in touch with one neighbor and that Ms. Marbach would be in touch with the rest of the neighbors on Evans Rd. Mr. Valiga wanted to know more about moving the construction entrance. Mr. Woodrow explained that during his walk with Mr. Dixon that they found it would be more appropriate to slide the construction entrance down due to sight distance issues and the impact on the adjacent neighbors. Mr. Woodrow stated that the placement of the revised entrance would utilize the existing softball field for the construction staging area, and parking for the contractors.

Ms. Pionzio wanted to discuss the environmentally friendly list that was submitted by KCBA's letter dated February 6, 2023. Ms. Pionzio went through the list that included all sustainable strategies that would be implemented with the new building addition. Ms. Pionzio stated that the school will be adding five EV charging stations and could possibly add fifteen more in the future (if the demand is needed). Ms. Nunn stated that the list was very well received by the members of the EAC (Environmental Advisory Council).

Ms. Pionzio stated that they met with Mr. Comly on January 24<sup>th</sup> and they came up with a sprinkler plan. Mr. Woodrow stated that the phasing plan would include a trunk line that would set up the rest of the building for future sprinklers. This work is to be completed by 2034. Mr. Woodrow stated that Mr. Comly felt comfortable with the proposed plan and that they are making good progress. Mr. Woodrow stated that Mr. Comly requested to extend the sidewalk to make sure there was a safe passageway for escape if needed. Mr. Mayor wanted to know how much of the building is sprinklered? Ms. Marbach stated around 20%, Mr. Woodrow stated once the addition is completed more than half the building would be sprinklered. Mr. Beardsley wanted to know why would this take so long to complete? Ms. Pionzio stated that this is all cost-driven, and funds need to be raised in order to do this in phases.

Mr. Woodrow explained to the board members that they had a site meeting with Mr. Dixon regarding sight distance. Mr. Woodrow explained about the existing drive off of Evans Rd., there was a concern regarding the sight distance from the driveway to the signal on Sumneytown Rd. Mr. Woodrow stated that to make sure this is a safe drive, McMahon went out and conducted sight distance measurements and found the sight distance sufficient for the driveway. Mr. Woodrow stated they discussed circulation patterns through the parking lots and EMS access and felt comfortable that everything is generally in order. Mr. Dixon stated that they did go out and the concern was if someone

was sitting at the drive looking to exit to the left, there was a slight change on the vertical grade. He stated they did measurements and it does meet PennDOT's minimum criteria for safe sight distance. Mr. Dixon stated that there are still a few outstanding issues with internal circulation, flows and signage, but felt comfortable that they would be able to work it out.

Mr. Valiga wanted to know about the trees. Mr. Woodrow stated that after the sight walk with their landscape architect, they feel comfortable that they can comply with everything in Gilmore's review letter. Mr. Valiga brought up the MCPC review letter that stated the health and quality of the existing trees, he wanted to know if anyone assessed the existing trees? Mr. Woodrow stated that they didn't see many dead or dying trees, but some of the parking lot trees should be replaced. Their landscape architect would work with Gilmore's office regarding what trees should be replaced and they would come up with a parking lot landscaping plan. Mr. Woodrow stated that they are not removing any trees and that even if they did take down a few, there would be plenty of area for replacement trees. Mr. Woodrow stated that the only requirement would be for the parking lot landscaping. Mr. Woodrow stated that this would be part of the revised plans. Mr. Valiga wanted to know more about native and non-native species. Mr. Woodrow stated there are not required to plant any major trees but will plant native species and the new plantings will be 75% native. Ms. Pionzio stated that there are 31 existing trees but are unaware if they are native. Mr. Valiga stated that he wanted to make sure that the trees that are removed are identified and that they are in compliance with the 75% minimum of native species. Mr. Brown stated that he would work with their landscape architect to make sure they are in compliance.

Ms. Nunn wanted to discuss sidewalks. Ms. Nunn explained that she drove out to the site, drove around and there are no sidewalks. She explained that she would like more walkability within the township and that there is no safe way to walk along Sunneytown Pike and Evans Rd. Ms. Nunn stated that it would be nice to have a connection to the Parsons Ln. trail and to see the connections continue. Ms. Pionzio stated there are no sidewalks for a purpose, due to safety concerns for the students. Ms. Pionzio stated that this is a private institution and they do not want to encourage people to walk on their property. Ms. Pionzio stated that there is a big difference between the university and high school, the university has more of an opportunity for the trail connections. Ms. Jamie Worman, Assistant Township Manager and Director of Building & Zoning, was in the audience and stated that the county also identified the same issue with pedestrian connectivity in their review letter. Ms. Worman stated that the township would like them to revisit this issue. Ms. Pionzio stated that she would explain the same security issue to the county. Mr. Paccione stated that he would rather see the funds be spent on sprinklers for the remainder of the building.



Mr. Valiga wanted to know more about the stormwater. Mr. Woodrow stated that the vast majority of all the stormwater runoff from the new building would be directed to the new basin that would be discharged through the channel that bisects the property. Mr. Woodrow stated that they had meetings with the county conservation district and that they will soon apply for an NPDES permit. Mr. Brown stated he had no issue with the waiver. Mr. Brown wanted to know about the manhole (D9) for the stormwater pipe if the location could be shifted from the outfield of the softball field. Mr. Woodrow replied that the manhole would be relocated.

A motion was made by Mr. Paccione and seconded by Mr. Beardsley to recommend this application for preliminary/final land development approval by the Board of Supervisors based on the following conditions listed below by Mr. Valiga:

- 1) The PC recommends approval of the following waivers regarding:
  - a. Not providing curbing, dedications, tree plantings and sidewalks along Sunneytown Pike and Evans Rd.;
  - b. Storm piping at a minimum of 18" and reinforced concrete material.
- 2) There should be a determination after an evaluation of the health of existing trees and replacement trees to ensure they comply with the 75% requirement of native species;
- 3) Applicant is to comply with the Gilmore review letter dated January 12, 2023, and McMahan's review letter dated January 12, 2023 (Ms. Pionzio stated that some of the comments would go away since they have met with Mr. Dixon and requested this condition be to the extent required by McMahan's next review letter);
- 4) Applicant to follow the recommendation letter from KCBA Architects dated February 6, 2023 and Fire Marshal, Al Comly's review letter dated February 13, 2023.

The motion passed with a 6-0 vote.



**Lower Gwynedd Township:**

**1. Proposed Zoning Ordinance Amendment - Flag Lots:**

There were no comments from the board members regarding the proposed ordinance.

A motion was made by Mr. Paccione and seconded by Mr. Beardsley to recommend the Proposed Zoning Ordinance Amendment - Flag Lots for final approval to the Board of Supervisors. The motion carried unanimously.

**2. Proposed Ordinance SALDO Amendment – Tree Preservation, Maintenance & Replacement:**

The board members found that Section 2 paragraph (j), specifically “any tree lost or destroyed within (5) years prior to the submission of a subdivision” was confusing and that it should be rewritten for more clarification.

A motion was made by Mr. Paccione and seconded by Mr. Beardsley to recommend Section 2; paragraph (j) be rewritten.

The motion passed with 6-0 vote.

--

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,  
Patty Furber, Secretary

**BOARD OF SUPERVISORS  
LOWER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. \_\_\_\_\_

**LOWER GWYNEDD TOWNSHIP AMENDED  
TRANSPORTATION IMPACT FEE ORDINANCE.**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER GWYNEDD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE LOWER GWYNEDD TOWNSHIP CODE, SPECIFICALLY, RENUMBERING ARTICLE XI (TRAFFIC IMPACT FEES) OF CHAPTER 1230 (SUBDIVISION AND LAND DEVELOPMENT) TO A NEW TITLE EIGHT TO BE ENTITLED "TRAFFIC IMPACT FEES", AND INCREASING THE AMOUNT OF THE TRANSPORTATION IMPACT FEE.**

**WHEREAS**, the Township of Lower Gwynedd, Montgomery County, Pennsylvania ("**Township**") continues to experience growth in the form of residential, commercial, and industrial development and redevelopment; and

**WHEREAS**, development and redevelopment within the Township will continue to grow and will create a substantial impact upon the transportation facilities within the Township; and

**WHEREAS**, the Township Board of Supervisors ("**Board of Supervisors**") is required to keep all roads open, in repair and usable for the safe and convenient travel by the public; and

**WHEREAS**, the Board of Supervisors is empowered by law to impose all or a portion of the cost for road construction and repair upon new development and redevelopment, in the form of a traffic impact fee; and

**WHEREAS**, the Board of Supervisors hereby finds and declares that the existing traffic impact fee (the "**TIF**") as set forth in Section 1230.97 of the Lower Gwynedd Township Code (the "**Code**"), must be increased to assist in the financing of specified major transportation capacity improvements, the demand for which is uniquely created by new development and redevelopment; and

**WHEREAS**, the TIF may be recalculated based upon the construction cost index as published in the American City/County Magazine or the Engineering News Record magazine and may further be adjusted to reflect improvements that have been completed from the Township's 2004 Future Development Transportation Capital Improvements Plan ("**CIP**"); and

**WHEREAS**, the Board of Supervisors hereby finds and declares that efficiency is served by locating all TIF regulations within a new stand-alone Chapter of the Code, rather than within the Subdivision and Land Development Code ("**SALDO**").

**NOW, THEREFORE**, in consideration of the foregoing, be it hereby **ENACTED AND ORDAINED**, by the Board of Supervisors as follows:

**SECTION ONE. TITLE.** This Ordinance shall be known as the "Lower Gwynedd Township Amended Transportation Impact Fee Ordinance."

**SECTION TWO. PURPOSE.** The purpose of this Ordinance is to (i) remove the TIF and its corresponding regulations from the SALDO and create a new Title Eight within Part Twelve of the Code, to be entitled "Traffic Impact Fee"; and (ii) increase the amount of the existing TIF and to restate the Impact Fee Program thereby ensuring that the Township's transportation system is available and adequate to support new growth and redevelopment.

**SECTION THREE. GENERAL FINDINGS AND CONDITIONS.** The Board of Supervisors hereby finds and declares that:

(a) The conditions and standards for the determination and imposition of the TIF set forth herein are those set forth in Act 209 of 1990 and all amendments thereto (the "**Act**"), consisting of:

(1) The recitals set forth above; and

(2) The analysis and recommendations of the Impact Fee Advisory Committee established by the Board of Supervisors; and

(3) The prior provisions of the Code; and

(4) The Transportation Capital Improvements Plan, as previously adopted by the Board of Supervisors (the "**Transportation Capital Improvements Plan**"); and

(5) Land Use Assumptions Report as previously adopted by the Board of Supervisors; and

(6) Roadway Sufficiency Analysis as previously adopted by the Board of Supervisors; and

(7) Revised Future Development Transportation CIP table; and

(8) Such other conditions and standards as the Board of Supervisors may by resolution identify from time to time as being relevant and material to the imposition of an amended transportation impact fee and consistent with the provisions of the Act and any amendments thereto.

**SECTION FOUR. AMENDMENT.** The Code is hereby amended as follows:

(a) A new Title Eight, entitled "Traffic Impact Fee", is hereby added to Part Twelve of the Code. The new Title Eight shall consist of the same content as existing Part Twelve, Title Four, Article XI of the Code, except that each section shall be renumbered as follows:

§1320.01. Title.

§1320.02. Purpose.

§1320.03. Conditions and standards for imposition.

- §1320.04. Definitions.
- §1320.05. Use of funds collected.
- §1320.06. Special traffic impact studies.
- §1320.07. Payment required prior to issuance of building permit.
- §1320.08. Calculation of fees
- §1320.09. Establishment of transportation service areas
- §1320.10. Establishment of impact fees.
- §1320.11. Nonbinding estimates.
- §1320.12. Administration of fees.
- §1320.13. Payment of fee.
- §1320.14. Credit.
- §1320.15. Refunds.
- §1320.16. Effect on Zoning and Subdivision Regulations.
- §1320.17. Fee is additional and supplemental requirement; payment for improvements in excess of amount estimated.
- §1320.18. Retroactive application.
- §1320.19. Construal of provisions.

(b) §1320.10 of the Code, entitled “Establishment of impact fees,” is amended to read as follows:

*“§1320.10. Calculation of Impact Fee*

*The traffic impact fee shall be \$3,865 per “new” afternoon peak hour trip for the transportation service area.”*

(c) Existing Article XI of Chapter 1230 of the Code, is deleted in its entirety.

**SECTION FIVE. SEVERABILITY.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance. Further, the Board of Supervisors intends that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**SECTION SIX. REPEAL.** All ordinances, code sections or parts thereof in conflict herewith are deemed repealed to the extent of such conflict.

**SECTION SEVEN. NO RIGHTS AFFECTED.** Nothing in this Ordinance or in the Lower Gwynedd Township Code, as hereby amended, shall be construed to affect any suit or proceedings in any court, any rights acquired or liability incurred, any permit issued, or any cause of causes of action existing under the Lower Gwynedd Township Code prior to the adoption of this Ordinance.

**SECTION EIGHT. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its approval as required by law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

**LOWER GWYNEDD TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
**MIMI GLEASON, TOWNSHIP SECRETARY**

By: \_\_\_\_\_  
**DANIELLE A. DUCKETT, CHAIRPERSON**



PROJECT	WORK PERFORMED LAST PERIOD (April 1 <sup>st</sup> to April 30 <sup>th</sup> )	WORK TO BE PERFORMED THIS PERIOD (May 1 <sup>st</sup> to May 31 <sup>st</sup> )
<b>GENERAL TOWNSHIP PROJECTS</b>		
1. NPDES – MS4 Reporting	<ul style="list-style-type: none"> <li>No work completed this period.</li> </ul>	<ul style="list-style-type: none"> <li>Monitor project status and perform work as necessary.</li> </ul>
2. Misc. Consulting Services	<ul style="list-style-type: none"> <li>Discussion on Cluster Zoning at April 25<sup>th</sup> BOS.</li> <li>Approval of I/I contract at April 25<sup>th</sup> BOS.</li> </ul>	<ul style="list-style-type: none"> <li>Coordination with I/I TV, Inspection, Repair contractor. Work anticipated to begin in May.</li> </ul>
3. Old Bethlehem Pike Bridge Replacement / Streambank Stabilization	<ul style="list-style-type: none"> <li>Work on design plans for streambank stabilization and DEP permitting for entire project.</li> </ul>	<ul style="list-style-type: none"> <li>Review LSA grant agreement once it is received for any specific conditions related to bridge design.</li> <li>Submit DEP permit package for review.</li> </ul>
4. Bethlehem Pike Pedestrian Bridges (Montco 2040 Grant)	<ul style="list-style-type: none"> <li>Define temporary construction easement areas and request meeting with property owners to begin discussion re: securing easements.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to refine bridge foundation designs.</li> <li>Working towards substantial completion of project in 2023.</li> </ul>
5. Road Repaving Program	<ul style="list-style-type: none"> <li>Contracts awarded at April 25<sup>th</sup> BOS.</li> </ul>	<ul style="list-style-type: none"> <li>Notice of award to contractors and coordination on scheduling.</li> </ul>
6. Pen-Ambler Park	<ul style="list-style-type: none"> <li>No work performed this period.</li> </ul>	<ul style="list-style-type: none"> <li>Public works to schedule basin work and coordinate timing with Parks &amp; Rec.</li> </ul>
7. Houston Creek Flood Study	<ul style="list-style-type: none"> <li>Additional hydraulic analysis for combination of new basins and removal of obstructions.</li> </ul>	<ul style="list-style-type: none"> <li>Budget cost estimates for various improvements.</li> <li>Anticipate follow up presentation to BOS on May 23<sup>rd</sup></li> </ul>
8. Park Master Plans (Ingersoll, Pen-Ambler, Oxford) DCED Grant.	<ul style="list-style-type: none"> <li>Working on preliminary site plans to be presented to Township staff / working group.</li> </ul>	<ul style="list-style-type: none"> <li>Project timeline is to have Master Plans reviewed / adopted by BOS prior to capital project budget discussions in Fall 2023.</li> <li>Working group meeting scheduled for early June, Park and Recreation Board presentation in July, and BOS presentation first meeting in September.</li> </ul>

<b>PROJECT</b>	<b>WORK PERFORMED LAST PERIOD</b> (April 1 <sup>st</sup> to April 30 <sup>th</sup> )	<b>WORK TO BE PERFORMED THIS PERIOD</b> (May 1 <sup>st</sup> to May 31 <sup>st</sup> )
<b>PRIVATE DEVELOPMENT PROJECTS</b>		
1. Gwynedd Mercy University – Athletic Fields	<ul style="list-style-type: none"> <li>• Construction observation.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed</li> </ul>
2. Saint Charles Seminary	<ul style="list-style-type: none"> <li>• Construction Observation</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> </ul>
3. Precision Watches	<ul style="list-style-type: none"> <li>• Construction Observation</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> </ul>
4. Hunt Seat Drive	<ul style="list-style-type: none"> <li>• Give stamped concrete examples to Gwynedd Hunt HOA for discussion regarding replacement at intersection of Hunt Seat &amp; Gypsy Hill Road.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> </ul>
5. Overlook at Gwynedd (WB Homes off Route 202)	<ul style="list-style-type: none"> <li>• Project is nearing completion.</li> <li>• Site meeting to discuss project punch list and closeout items.</li> </ul>	<ul style="list-style-type: none"> <li>• Move project into 18-month maintenance period once all items are addressed.</li> </ul>
6. 1323 Gypsy Hill Road (Gypsy Way – DeSantis)	<ul style="list-style-type: none"> <li>• Final paving of Gypsy Way is complete.</li> </ul>	<ul style="list-style-type: none"> <li>• Move project into 18-month maintenance period once all items are addressed.</li> </ul>
7. Wissahickon School District – Turf Fields	<ul style="list-style-type: none"> <li>• No work was completed in this period.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> <li>• Waiting on Applicant to submit record plans for review / signature.</li> </ul>
8. Goddard School	<ul style="list-style-type: none"> <li>• Construction Observation</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> </ul>
9. 1501 Cedar Hill Road (2 Lot Subdivision)	<ul style="list-style-type: none"> <li>• BOS approved in March.</li> <li>• Working with Applicant on Record Plans.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor project status and perform work as needed.</li> </ul>
10. Gwynedd Mercy Academy High School	<ul style="list-style-type: none"> <li>• Applicant made presentation to BOS on April 11<sup>th</sup>.</li> <li>• Coordination with Staff &amp; Applicant re: additional street trees and trail easements</li> </ul>	<ul style="list-style-type: none"> <li>• Anticipate project being on May 9<sup>th</sup> agenda for consideration.</li> <li>• Monitor project status and perform work as needed.</li> </ul>



**LOWER GWYNEDD TOWNSHIP  
PROJECT STATUS REPORT  
May 2023**

**TRAFFIC PROJECTS**

**TRANSPORTATION IMPACT FEE UPDATE**

- Advisory Committee provided recommendation for impact fee adjustment at 4/19/2023 meeting.
- Request authorization to advertise ordinance amendment tentatively scheduled for 5/9/2023 BOS meeting.
- Ordinance adoption tentatively scheduled for 6/27/2023 BOS meeting.

**McKEAN ROAD TRAFFIC CALMING MASTER PLAN**

- Traffic data collection completed February 2023.
- Preliminary future condition intersection capacity/level of service (LOS) analysis completed March 2023.
- Beacon to provide trip generation data for Spring House Innovation Park (SHIP) to consider additional scenarios for intersection traffic analysis.
- Preliminary evaluation of potential traffic calming and pedestrian improvements in progress.

**DESIGN PROJECTS**

**SPRING HOUSE INTERSECTION PROJECT – PHASE 2**

- Project information and notices to be maintained on the Township website.
- Bid award approved by BOS 3/22/2023.
- Preconstruction meeting 4/11/2023.
- Notice To Proceed given 4/17/2023.
- PennDOT required on 5/3/2023 that the PNDI (Pennsylvania Natural Diversity Index) be re-run for the project based on US Army Corps of Engineers direction for the Northern Long Eared Bat, the status of which has been reclassified from Threatened to Endangered. NTM re-ran the PNDI search for the project location, and there are no conflicts in the project area.
- Meeting on 5/4/2023 with contractor, signal subcontractor and engineer to discuss signal pole orders and construction schedule. The biggest time constraints will be due to the signal pole orders (anticipated 6 months to receive poles after order).
- Contractor and engineer coordinating regarding temporary signal layout.
- Contractor will provide the construction schedule shortly. Construction phases are to be combined for paving in the Fall of 2023.
- Contractor has signed contract with tree clearing subcontractor to begin work in the next two weeks (week of 5/8 or 5/15/2023). A pre-clearing meeting will be necessary for the Beadle property. Contractor to coordinate with engineers and PECO regarding schedule.
- Project information meeting scheduled for 5/10/2023 with local businesses.
- Project completion April 2024 (Tentative).

**LOWER GWYNEDD TOWNSHIP  
PROJECT STATUS REPORT  
May 2023**

---

**US 202 (DEKALB PIKE) WIDENING PROJECT (PENNDOT)**

- PennDOT funded project consists of the following improvements:
  - Reconstructing and widening U.S. 202 from two lanes to five lanes with a center turn lane from Morris Road to Grasshopper Lane and from Schoolhouse Lane to Swedesford Road.
  - Widening U.S. 202 from two lanes to four lanes with a mountable median curb from the Wissahickon Creek crossing to south of Schoolhouse Lane.
  - Installing five-foot bicycle lanes in both directions in the five-lane sections.
  - Reconstructing the bridge over the Wissahickon Creek.
  - New traffic signals and Intelligent Transportation Systems (ITS).
- Project completion anticipated Summer/early Fall 2023.

**TRAFFIC SIGNAL PROJECTS**

**McKEAN ROAD PEDESTRIAN IMPROVEMENTS (BEACON PROPERTIES)**

- Pedestrian crossing improvements at Stone House Road and Ambler Area YMCA being completed by Beacon Properties.
- Project information and notices to be maintained on the Township website.
- Construction started April 2023.
- Beacon traffic engineer and Township evaluating field changes for pedestrian refuge island at YMCA crossing.
- Estimated completion late May 2023.

**DAGER ROAD PEDESTRIAN CROSSING**

- Improvements funded by Montco 2040 grant to realign existing midblock crossing and install Rectangular Rapid Flashing Beacon (RRFB).
- Construction bid award approved by BOS November 2022.
- Preconstruction meeting held with contractor February 2023.
- Construction to begin in June 2023 (long lead times for flashing beacon signal equipment and poles).
- Estimated completion in August 2023.

**NORRISTOWN ROAD/TENNIS AVENUE TRAFFIC SIGNAL UPGRADES**

- Improvements funded by PennDOT Green Light Go (GLG) grant to upgrade traffic and pedestrian signal equipment and ADA ramp upgrades.
- PennDOT design approval obtained March 2023.
- Signal permit was issued on 5/1/2023.
- Construction bid to be posted May 2023.
- Recommendation for bid award tentatively scheduled for 6/27/2023 BOS meeting.

**PENLLYN PIKE AND TREWELLYN AVENUE/OLD PENLLYN PIKE TRAFFIC SIGNAL UPGRADES**

- PennDOT scoping form and initial construction cost estimate completed.
- PennDOT GLG grant application submitted January 2023.
- GLG awards anticipated Summer or Fall 2023.

## Memorandum

To: Board of Supervisors  
Mimi Gleason, Township Manager  
Jamie Worman, Assistant Township Manager

From: Sandi Feight, Recreation Director

Date: May 4, 2023

Re: Renee Steward, Fee Waiver for Penllyn Park Rental June 10

Township Staff from Public Works, Police and Parks & Recreation met with Renee Steward to discuss her "The Flowers Still Grow Fest". Ms. Steward, has planned her event for Saturday, June 10 with a raindate of Sunday, June 11. Setup would begin at 9 am, the event is from Noon – 5 p.m. and breakdown by 6.

The Township will provide barricades that day. Public Works will remove the tennis net from the courts, Ms. Steward sets vendors in this area. Public Works suggested that Ms. Steward connect with United Rental for a donation of a larger generator so that electric was not being run from homes and overloading the electric box in the park. Lower Gwynedd Little League has been notified not to use the park that weekend, in addition is the last day for their season.

Ms. Steward has requested that the Township waive her facility rental fees for the day, which would include: Pavilion Rental, Basketball Courts and Tennis area. The fees would total \$130. Ms. Steward has completed the necessary park permit and will be providing the necessary certificate of insurance.

# Memo

**To:** Board of Supervisors  
**From:** Mimi Gleason, Township Manager  
**Date:** May 5, 2023  
**Re:** Historical markers



---

**Recommended action: Share any questions or first reactions you have on the Historical Advisory Committee's first draft of the historical marker program**

The Historical Advisory Committee is developing an application process and criteria for a Township historical marker program. The attached memo and program summary have not yet been reviewed by the staff or solicitor regarding the process for approving or implementing such a program. While that review is underway, staff is forwarding the summary to the Board of Supervisors as an update and for any early input from you. Please share any questions or ideas you have for the historical marker program and staff will make sure those areas are addressed during the review and/or share the remarks with the Historical Advisory Committee.

Following the review and discussion of changes, if any, with the Committee, the historical marker program will be on an upcoming BOS agenda for approval.

To: Board of Supervisors, Lower Gwynedd Township  
Fr: Matt Metcalf, Chair, LGT Historic Advisory Committee  
Da: 2023 April 20  
Re: Historical Markers Program



After opportunities for open public comment and committee discussion, the Historic Advisory Committee would like to recommend the following action(s) to the Board of Supervisors.

**Action(s):**

- Enable through ordinance a Historical Markers Program (proposed program attached)
- Provide annual funding for historical markers
- Promote the Historical Markers Program on the township's web site and social media

**Background:**

Historical markers serve as a form of visual recognition of places that have meaning to communities. Subjects of a marker may include events, places, innovations, legends, persons or groups/organizations of historical note or significance. The most familiar form of a marker in this region is the well-known large metal navy and gold keystone signs along major roadways placed by the Pennsylvania Historical and Museum Commission.

This proposal suggests creating a program by which Lower Gwynedd Township can place its own historical markers. The PHMC program (which is indefinitely paused) qualifies locations for signage based on their significance to *state* history; locally-significant places cannot be considered under the PHMC program.

Under this proposal, public or private buildings, structures, objects, sites, districts, and cultural and natural features/landscapes could all be marked. Markers could be approved for buildings or structures that are either significantly altered or no longer standing, so long as they have appropriate historical research to justify the placement of such signage and a direct connection to Lower Gwynedd Township history.

**Other relevant facts:**

- ✓ Historical markers are one of the most passive forms of historic preservation that a municipality can implement
- ✓ Placement of markers can be considered separately from landmarking, historical registry, or preservation planning efforts
- ✓ While most historical marker programs in the U.S. are run at the state level, county and municipal marker programs do exist

### **Demonstration of Need:**

The township currently has no historical marker program. As noted, the PHMC program is paused; per communications directly between the HAC Chair and the PHMC, it is unknown when the state program will return. Though not as widespread in Pennsylvania as in other states, there are no state laws governing (or preventing) the creation of local historical marker programs.

There has been notable feedback over the last several years offered to township leadership regarding a desire for a local historical marker program. Recently, advocates have expressed interest in social media, through email, and in person at BOS and HAC meetings, particularly regarding the need to recognize places that represent the diversity of histories present in the township.

### **Notes/Additional Resources:**

- ✓ Schultz, Ellen and Deborah Kelly. *Assessment of State Historical Marker Programs*. Preservation Partners. 2007.  
<https://www.nj.gov/dca/njht/documents/publ/HistoricalMarkersFinal102307.pdf>
- ✓ *Pennsylvania Historical Marker Program*. Pennsylvania Historical & Museum Commission. Accessed 2023.03.10. <https://www.phmc.pa.gov/Preservation/Historical-Markers/Pages/default.aspx>

Respectfully submitted,  
Matt Metcalf  
Chair, Historic Advisory Committee

**Attachment: HAC\_HistoricalMarkers2023.04.20.docx**

# LOWER GWYNEDD TOWNSHIP HISTORICAL MARKER PROGRAM

## Mission Statement

The Lower Gwynedd Township Historical Marker Program is designed to highlight important aspects of township history to increase residents' sense of pride of place, to support cultural tourism throughout the county and region, to educate the public, and to encourage the public to preserve historic resources.

## Program Administration

Lower Gwynedd Township will administer the historical marker program. Through ordinance, the Board of Supervisors will enable the program and hold the final decision on the placement or removal of markers.

The township's Historical Committee/Commission will set up a framework for vetting proposed marker submissions, receive and review submissions from the public, and make recommendations for approval to the Board of Supervisors. It will review criteria, set priorities, and assess the progress of the program. It will also review the accuracy and integrity of the marker text in consultation with nominators and local historical organizations.

Effort will be made to consult and coordinate with, where appropriate, the State Historic Preservation Office, state and regional tourism entities, and PennDOT on issues related to verifying historical significance; establishing special initiatives for topics/themes; signage design, placement and maintenance; creation of an inventory of existing historical marker signs.

Once established, the Historical Committee/Commission may make recommendations to the Board of Supervisors to update the terms of the program as necessary.

## Submissions

The public (resident or non-resident), elected and appointed members of the Lower Gwynedd Township government or committees, and/or Lower Gwynedd Township staff may nominate a subject for a historical marker.

## Eligibility Criteria

Subjects/themes of a proposed marker:

1. Must have direct connection to local history (specifically historical Gwynedd Township or modern Lower Gwynedd Township);
2. Should reference an event(s), place (building, structure, object, site, district, natural or cultural landscape), innovation, legend, person, or group/organization;
3. Should have had a significant impact on its time (and/or the present) or contributed significantly to regional, state, or national history with a specific connection to Lower Gwynedd Township; and
4. Should be sufficiently in the past that enough time has elapsed to evaluate its impact based on credible documentation and historical perspective.

Subjects/themes should meet specific criteria as appropriate:

- Events should date from at least 40 years in the past
  - For continuing events, must be historically established rather than of contemporary interest
- Places may include public or private buildings, structures, objects, sites, districts, and cultural and natural features/landscapes
  - These places may be extant, significantly altered, or no longer standing
  - A group of sites can be collectively argued to be significant under any of the criteria
- Legends and/or folklore should be based on relevant historical documentation and/or scholarship
- A person or group/organization may be a marker subject 20 years after their death or the group's dissolution
  - For continuing groups/organizations, must be historically established rather than of contemporary interest
  - Individual gravesites are not eligible for markers unless there are no other appropriate location associated with the person's productive life
  - Churches or religious sites are not eligible unless their significance is associated with broader themes in local history and culture

Special consideration for subjects/themes:

- Will be afforded for recognition of the historical hamlets of Lower Gwynedd Township
- Will be considered for places already recognized on a registry (e.g., National Register of Historic Places) or landmarks list
  - However, the place must meet the same criteria as other LGT historical markers, have adequate documentation, and will not receive preference or precedence among other marker submissions
- Marker candidates with state or national significance should be considered for a Pennsylvania state historical marker

Lower Gwynedd Township recognizes that continuing scholarship may help validate the subject's impact on its times or its significance from a more recent historical perspective. As such, marker submissions that are not accepted may be resubmitted after a period of two years from the most recent rejection for reconsideration.



## Documentation

All subjects/themes nominated for a historical marker must be accompanied by relevant, authoritative, accurate, and verifiable documentation.

The burden of proof will be on the application's sponsor to provide documentary evidence demonstrating the significance of the proposed marker subject.

Documentation should include:

- A fact-based description of the subject/theme and its direct connection to historical Gwynedd Township or modern Lower Gwynedd Township
- An explanation of the subject/theme's historical importance to the township
- Footnotes that reference verifiable primary and secondary sources for facts and assertions presented to support the submission
- A map and photo of the site proposed for the marker; historical markers will be installed at the location of greatest historical significance related to subject/theme.
- Proposed text for the historical marker which will be reviewed (and may be altered) by the Historical Committee/Commission
- A clear and organized presentation that makes documentation verifiable by reviewers without undue burden

The Township may create and require specific paperwork related to the application process.

## Review Process

Submissions will follow a standardized process recommended by the Historical Committee/Commission and approved by the Board of Supervisors.

- Submissions will be considered by the Historical Committee/Commission no less than twice yearly
- Submissions may be returned for clarification or to request additional information; the Historical Committee/Commission may return a submission with recommended changes prior to final consideration by the Committee/Commission
- Application sponsors are welcome to address the Historical Committee/Commission and should give advanced notice where possible in order to enable members to prepare questions
- Application sponsors may also be requested by the Historical Committee/Commission to appear/re-appear in advance of their submission's public review and/or approval to answer questions
- The Historical Committee/Commission will be given adequate time to verify the materials presented
- Marker submissions that do not win initial approval may be resubmitted; if the submission is denied twice, it may be resubmitted for reconsideration after a period of two years from the most recent rejection.

If a historical marker is approved by the Board of Supervisors, township staff will notify the application's sponsor, order the marker, and schedule the dedication ceremony.

## Installation/Maintenance

Historical markers will be installed at the location of greatest historical significance related to subject/theme.

Markers should be placed in a safe location in the right of way as close to the significant event, place, or site as possible and appropriate. The Public Works Department will install the signage.

The Township will collaborate with private citizens, PennDOT, and/or other agencies to ensure the markers are properly maintained. Markers should be inspected annually and a report will be provided to the Historical Committee/Commission regarding any degradation.

Once installed, markers should be considered property of the Township and stealing a sign becomes a prosecutable offense.

## Marker Retirement

Markers may be retired by Lower Gwynedd Township. Such requests come through the Historical Committee/Commission where a supermajority vote is needed to forward such a request to the Board of Supervisors.

## Companion Web Site

LGT will develop a portion of its website with a map-based capacity to highlight the location of historic markers and print a limited number of self-guided tour brochures for markers.



## MEMORANDUM

**TO:** Mimi Gleason, Township Manager  
Lower Gwynedd Township

**FROM:** Helen Lam, P.E.  
Chad Dixson, AICP

**DATE:** May 4, 2023

**RE: Norristown Road and Tennis Avenue Traffic Signal Improvement Project**

---

Lower Gwynedd Township received a grant in the Fall 2022 from the PennDOT Green Light Go (GLG) program in the amount of \$159,440.80 for a traffic signal improvement project at the intersection of Tennis Avenue and Norristown Road. The Township is providing required matching funds in the amount of \$39,860.20.

The traffic signal project will consist of the following equipment upgrades and improvements at the intersection:

- Installation of new controller assembly with battery backup;
- Installation of Emergency Preemption;
- Installation of Countdown Pedestrian Signal Heads;
- Installation of ADA compliant pedestrian pushbuttons with 2-inch ADA buttons and latching LED;
- Replacement of all incandescent signal heads with new LED and retroreflective backplates.

The traffic signal permit plan for the intersection with the improvements listed above has been approved by PennDOT. McMahon is seeking authorization to advertise for bidding of the construction work associated with the project scope in May and June 2023. We anticipate making a recommendation for the bid award at the June 27, 2023 Board of Supervisors meeting.

If you have any questions or need additional information regarding the status of the project, please let us know.

# Memo

**To:** Board of Supervisors  
**From:** Mimi Gleason, Township Manager  
**Date:** May 5, 2023  
**Re:** Staging area on the former Texaco property



---

**Recommended action: Motion to authorize James D. Morrissey, Inc. to utilize the portion of 901 Sumneytown Pike shown on the aerial photo included in the May 9<sup>th</sup> public meeting packet as a staging area for the Spring House Intersection Improvement Project through November 30, 2023.**

James D. Morrissey, Inc., the contractor for the Spring House Intersection Improvement Project, is asking the Board of Supervisors to reconsider allowing a defined portion of the former Texaco property now owned by the Township to be used as a staging area. Attached to this memo is the portion of the property that Morrissey is requesting to use.

A goal shared by all is to have the primary portion of construction to be done by late fall, before the potential of cold weather forecloses paving. Additional work will remain to be done next spring, but the intersection improvement will look and feel close to completion if that goal is met. However, it is a challenging goal because PennDOT limits work hours to 9:00 am to 3:00 pm. If Morrissey has to use a staging area located some distance from the construction site, the time spent bringing in trailers (while blocking traffic) and loading equipment will further shorten the workday, prolonging the duration of construction.

The Board's concern about aesthetics at a prominent location like the Texaco site is understandable. However, until construction is complete, both sides of the intersection are going to be torn up. The sooner the project is completed, the sooner the whole location looks attractive again. In addition, Morrissey is willing to install temporary fencing around the staging area if the Board wishes.

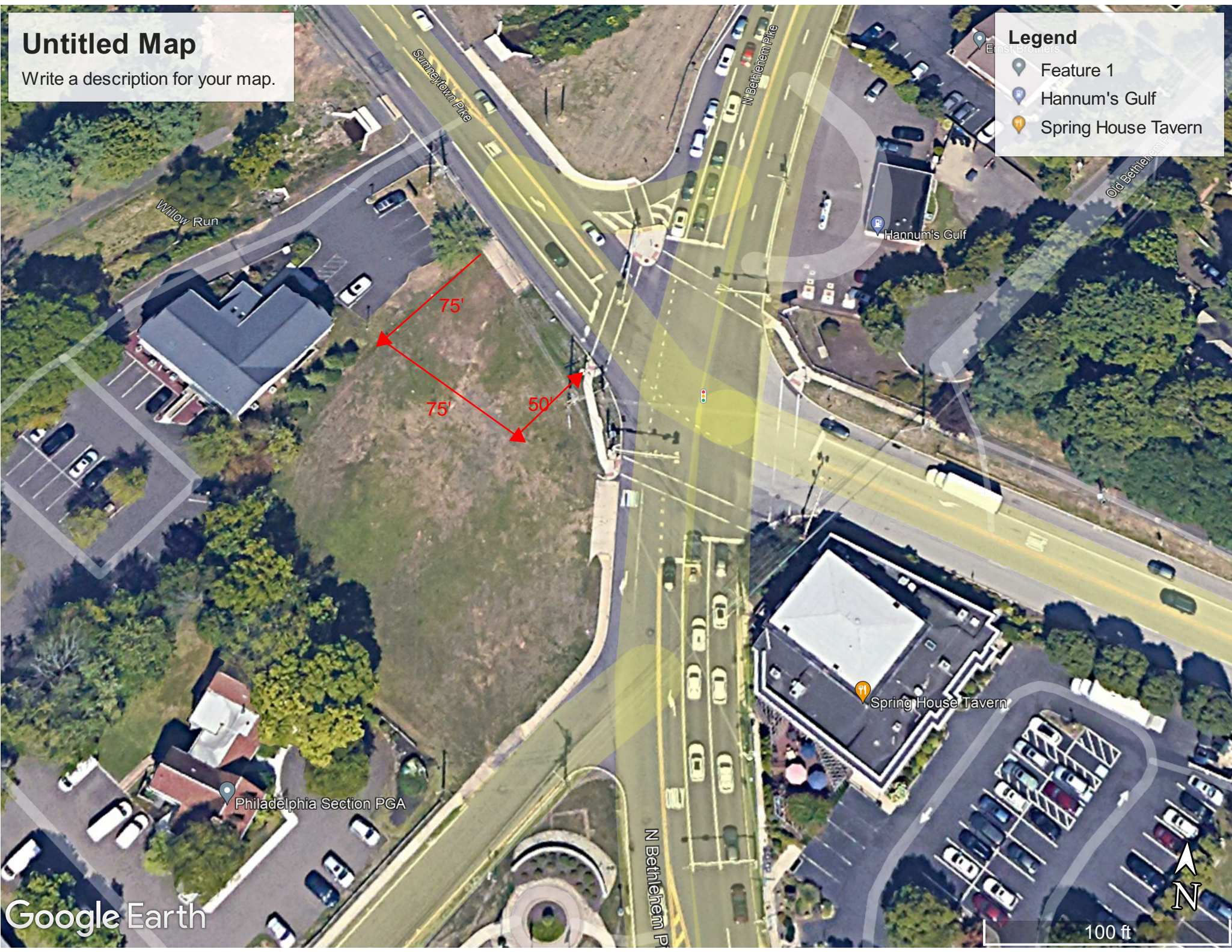
To expedite completion of the main portion of the project, staff recommends that the Board authorize use of a portion of the former Texaco property as a staging area.

# Untitled Map

Write a description for your map.

## Legend

- Feature 1
- Hannum's Gulf
- Spring House Tavern



# Memo

**To:** Board of Supervisors  
**From:** Mimi Gleason, Township Manager  
**Date:** May 5, 2023  
**Re:** Cafeteria Plan



---

**Recommended motion: To approve the Lower Gwynedd Township Cafeteria Plan with an effective date of May 1, 2023**

Now that Township health insurance coverage is through a high deductible health plan, employees have the option of contributing to health savings accounts (HSA) to save for current and future health care expenses. To provide for those contributions to be deducted in payroll on a pre-tax basis, as federal law allows, the Township needs to adopt a “cafeteria plan” spelling out that benefit.

In addition to permitting pre-tax payroll deductions for HSA contributions, the attached cafeteria plan permits eligible employees to pay their portion of the premium for health insurance coverage through pre-tax payroll deductions and to elect the option of receiving a cash payment in lieu of health insurance coverage (with proof of other health insurance coverage).

The effective date of the cafeteria plan is retroactive to May 1, 2023.

**LOWER GWYNEDD TOWNSHIP CAFETERIA PLAN**

**Effective May 1, 2023**

## TABLE OF CONTENTS

ARTICLE I	INTRODUCTION .....	1
ARTICLE II	DEFINITIONS.....	2
ARTICLE III	ELIGIBILITY AND PARTICIPATION .....	4
ARTICLE IV	BENEFITS OFFERED AND METHOD OF FUNDING .....	8
ARTICLE V	PREMIUM PAYMENT BENEFITS.....	9
ARTICLE VI	CASH-OUT BENEFIT OPTION .....	10
ARTICLE VII	HEALTH SAVINGS ACCOUNTS.....	11
ARTICLE VIII	ADMINISTRATION.....	12
ARTICLE IX	GENERAL PROVISIONS .....	14



**ARTICLE I  
INTRODUCTION**

Lower Gwynedd Township (the “Township”) previously established the Lower Gwynedd Township Cafeteria Plan (the “Plan”). The Township hereby amends and restates the Plan effective May 1, 2023.

The Plan is designed to permit eligible employees to pay their portion of the premium cost for benefits on a pre-tax salary reduction basis, to make contributions on a pre-tax salary reduction basis to a health savings account, and to elect the option of receiving a cash payment in lieu of health insurance coverage.

The Plan is intended to qualify as a “cafeteria plan” under Section 125 of the Internal Revenue Code of 1986, as amended (the “Code”), and shall be interpreted to accomplish that objective.

## **ARTICLE II DEFINITIONS**

“**Administrator**” means the Township or such committee, individuals. Or Third-Party Service Providers to whom the Township has delegated its authority and responsibility in accordance with Section 8.1, in which case Administrator means such committee or individuals.

“**Annual Enrollment Period**” with respect to a Plan Year means the period prescribed by the Administrator during the preceding the Plan Year in which benefit elections may be made for the following Plan Year.

“**Change in Status**” has the meaning described in Section 3.5.

“**Children**” means any children of the Participant eligible for coverage under a medical plan sponsored by the Employer.

“**COBRA**” means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Compensation**” means the wages or salary paid to an Employee by the Employer.

“**Dependent**” means any individual who is a tax dependent of the Participant as defined in Code Section 152, with the following exceptions for purposes of accident or health coverage (to the extent funded under the Premium Payment Benefits), a dependent is defined as in Code Section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof; and (2) any child to whom Code Section 152(e) applies (regarding a child of divorced parents, etc., where one or both parents have custody of the child for more than half of the calendar year and where the parents together provide more than half of the child’s support for the calendar year) is treated as a dependent of both parents.

“**Election Form**” means the form provided by the Administrator for the purpose of allowing an Eligible Employee to participate in this Plan by electing salary reductions to pay for Premium Payment Benefits, HSA Benefits, Health FSA Benefits or Dependent Care FSA Benefits. It includes an agreement pursuant to which an Eligible Employee authorizes the Employer to make salary reductions.

“**Eligible Employee**” means an Employee classified by the Employer as a regular, full-time employee (generally working at least 30 hours per week), but excludes Employees covered by a collective bargaining agreement that exclude participation in this Plan and excludes Employees who have employment contracts that provide that the Employee is not eligible for coverage.

“**Employee**” means an individual who is employed by the Employer but excludes any person who the Employer classifies as a leased employee or an independent contractor, even if a governmental agency or a court reclassifies such person as a common law employee.

**“Employer”** means the Township.

**“Employment Commencement Date”** means the first regularly scheduled working day on which the Employee first performs an hour of service for the Employer.

**“FMLA”** means the Family and Medical Leave Act of 1993, as amended.

**“HSA”** means the health savings account described in Article VII.

**“HSA Benefits”** has the meaning described in Section 7.1.

**“Medical Care Expenses”** means expenses incurred by a Participant or his or her Spouse or Dependents or Children for medical care, as defined in Code Section 213(d), as well as menstrual care products, as that term is defined under Code Section 223(d)(2), and as permitted under Code Section 106(f), provided, however, that such expenses do not include expenses or portions of expenses for which the Participant or other person incurring the expense is reimbursed through the Underlying Plans, other insurance or any other accident or health plan.

**“Participant”** means a person who is an Eligible Employee and who is participating in this Plan in accordance with the provisions of Article III.

**“Period of Coverage”** means the Plan Year, with the following exceptions: (a) for Employees who first become eligible to participate, it shall mean the portion of the Plan Year following the date on which participation commences; and (b) for Employees who terminate participation, it shall mean the portion of the Plan Year prior to the date on which participation terminates.

**“Plan”** means this Lower Gwynedd Township Cafeteria Plan, as set forth herein and as amended from time to time.

**“Plan Year”** means the calendar year.

**“Premium Payment Benefits”** means the benefits that are paid for on a pre-tax salary reduction basis as described in Article V.

**“Spouse”** means an individual who is legally married to a Participant as determined under the Code.

**“Third-Party Service Provider”** means any unrelated or unaffiliated entity that performs services for the Plan on behalf of the Administrator.

**“Township”** means Lower Gwynedd Township or any successor thereto.

**“Underlying Plan”** means any plan sponsored by the Employer through which an Eligible Employee may elect to pay Premium Payment Benefits under this Plan.

## **ARTICLE III ELIGIBILITY AND PARTICIPATION**

### **3.1 Commencement of Participation**

An Eligible Employee may commence participation in the Plan on his or her Employment Commencement Date. Notwithstanding the foregoing, an Eligible Employee may not commence participation in the Plan until the Eligible Employee has submitted an Election Form to the Administrator.

### **3.2 Elections When First Eligible**

An Eligible Employee who first becomes eligible to participate in the Plan mid-year may elect to commence participation in the Plan on the day the eligibility requirements have been satisfied. Such an election shall be made within 31 days of the Participant first becoming eligible to participate in the Plan. Participation in the Plan (and deductions for any required contributions) shall begin effective with the payroll period next following the payroll period in which the Participant elects to participate. An Eligible Employee who does not elect benefits when first eligible may not enroll until the next Annual Enrollment Period, unless an event occurs that would justify a mid-year election change.

### **3.3 Elections During Annual Enrollment Period**

During each Annual Enrollment Period, the Administrator shall provide an Election Form to each Eligible Employee. The Election Form shall enable the Eligible Employee to elect to participate in the Plan for the next Plan Year and to authorize the necessary salary reductions to pay for the benefits elected. The Election Form must be returned to the Administrator on or before the last day of the Annual Enrollment Period, and it shall become effective on the first day of the next Plan Year. If an Eligible Employee fails to return the Election Form during the Annual Enrollment Period, then the Employee may not elect any benefits under this Plan until the next Annual Enrollment Period, unless an event occurs that would justify a mid-year election change.

### **3.4 Negative Election Procedure**

The Administrator may establish a procedure whereby elections under this Plan default or carry over from one year to the next, unless the Eligible Employee makes a different election by returning the Election Form in accordance with the procedures set by the Administrator.

### **3.5 Irrevocability of Elections; Exceptions to Irrevocability**

Unless an exception applies as described below, a Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates.

(a) *Events Permitting New Election.* A Participant (or an Eligible Employee who, when first eligible to participate in the Plan or during the Annual Enrollment Period declined to be a Participant) may make a new election upon the occurrence of “Change in Status” events which the Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under Code Section 125 and the regulations issued thereunder. Change in Status includes the special enrollment rights required under HIPAA, and effective April 1, 2009, Change in Status includes the special enrollment rights provided for under the Children’s Health Insurance Program Reauthorization Act of 2009. A Participant or Eligible Employee may change his or her election under the Plan upon the occurrence of a Change in Status, but only if such election change is made on account of and is consistent with the Change in Status.

(b) *Timeframe for Making New Election.* A Participant or an Eligible Employee must make a new election within 31 days of the occurrence of the Change in Status event, except that a new election made in connection with the Children’s Health Insurance Program Reauthorization Act of 2009, may be made within 60 days of the occurrence of the event.

(c) *Effective Date of New Election.* All election changes shall be effective on a prospective basis only beginning with the date the Participant or Eligible Employee notifies the Administrator of the Change in Status, unless retroactivity is required by law.

(d) *HSA Benefits.* Notwithstanding the foregoing, a Participant’s election to make contributions to an HSA can be increased, decreased or revoked at any time on a prospective basis.

(e) *Revocation of Coverage Due to Reduction in Hours of Service.* A Participant who has an employment status change that results in the Participant being reasonably expected to average less than 30 hours of service per week, may prospectively revoke the Participant’s health coverage as long the Participant reasonably represents in accordance with procedures established by the Administrator that he or she intends to enroll in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is revoked.

### **3.6 Election Modifications Required by Administrator**

The Administrator may, at any time, require any Participant or class of Participants to amend the amount of their salary reductions for a Period of Coverage if the Administrator determines that such action is necessary or advisable in order to satisfy any of the Code’s nondiscrimination requirements applicable to this Plan or any other plan or to prevent any Employee or class of Employees from having to recognize more income for federal income tax purposes from the receipt of benefits hereunder than would otherwise be recognized. In the event that contributions need to be reduced for a class of Participants, the Administrator will reduce the salary reduction amounts for each affected Participant, beginning with the Participant in the class who had elected the highest salary reduction amount and continuing with the Participant in the class who had elected the next-highest salary reduction amount, and so forth, until the defect is corrected.

### **3.7 Termination of Participation**

A Participant will cease to be a Participant in this Plan upon the earlier of the termination of this Plan or the date on which the Participant ceases to be an Eligible Employee, except as provided in Section 5.4. A Participant will not be considered as having terminated employment if the Participant's employment is transferred to the Township.

### **3.8 Participation Following Termination of Employment or Loss of Eligibility**

(a) *Participant Who Becomes Eligible Again within 60 Days.* If a Participant ceases to be eligible to participate in the Plan and then within 60 days becomes eligible to participate in the Plan again during the same Plan Year, the Administrator will reinstate the elections in effect under the Plan when the Participant ceased to be eligible, except that the Administrator will permit the Eligible Employee to make new elections if another intervening Change in Status has occurred. Notwithstanding the foregoing, an election to participate in the Premium Payment Benefits will be reinstated only to the extent that coverage under the Underlying Plan is reinstated.

(b) *Participant Who Becomes Eligible Again after 60 Days.* If a Participant ceases to be eligible to participate in the Plan and then after 60 days becomes eligible to participate in the Plan again, the Administrator will permit the Eligible Employee to make new elections.

### **3.9 Leaves of Absence**

(a) *Paid Leave of Absence.* In the case of a Participant who goes on a leave of absence, the Participant's elections will remain in effect under the Plan during the leave of absence. Contributions for coverage will continue to be deducted from the Participant's Compensation. The Administrator will permit the Participant to make new elections only if another intervening Change in Status occurs. If the Participant returns to work from the leave of absence, but the Employee's coverage has terminated, if the Employee is eligible to participate in the Plan or as otherwise required under the FMLA, the Employee will be permitted to make new elections.

(b) *Unpaid Leave of Absence.* In the case of a Participant who goes on an unpaid leave of absence, the Participant's elections will remain in effect under the Plan for the first four weeks of the leave. During that four-week period, contributions for coverage will go into arrears and will be collected if and when the Employee returns from the leave of absence. After the end of the four-week period, in order to continue his or her coverage, the Participant must make arrangements with the Employer to timely remit his or her contributions, and if such contributions are not remitted in a timely manner, the Participant's coverage may be retroactively cancelled. The Administrator will permit the Participant to make new elections only if another intervening Change in Status occurs. If the Participant returns to work from the leave of absence, but the Employee's coverage has terminated, the Employee will be permitted to make new elections if the Employee is eligible to participate in the Plan or as otherwise required under the FMLA.

### **3.10 Reclassification**

If an individual is classified by the Employer as not eligible to participate in the Plan, but the Employer is later required by the Internal Revenue Service, the U.S. Department of Labor or any other governmental agency, or by any court or other tribunal to reclassify the individual as eligible, the individual will not be eligible to participate in the Plan until the Administrator designates the individual as an Eligible Employee. Such designation shall only provide for eligibility prospectively from the time it is made.

**ARTICLE IV  
BENEFITS OFFERED AND METHOD OF FUNDING**

**4.1 Benefits Offered**

Subject to the provisions of Articles V and VII, a Participant may make contributions on a pre-tax salary reduction basis under the Plan to pay for the cost of coverage for Premium Payment Benefits and HSA Benefits or waive Premium Payment Benefits. In no event shall benefits under the Plan be provided in the form of deferred compensation.

**4.2 Using Salary Reductions to Make Contributions**

The salary reduction for a pay period for a Participant is, for the benefits elected, an amount equal to (1) the annual contributions for such benefits divided by the number of pay periods in the Period of Coverage, (2) an amount otherwise agreed upon between the Employer and the Participant or (3) an amount deemed appropriate by the Administrator (i.e., in the event of shortage in reducible Compensation, amounts withheld and the benefits to which salary reductions are applied may fluctuate). For purposes of this Plan and the Code, pre-tax salary reductions are considered to be Employer contributions.

**4.3 Funding This Plan**

All of the amounts payable under this Plan shall be paid from the general assets of the Employer, except that any Premium Payment Benefits that are fully-insured are paid as provided in the applicable insurance policies. Nothing herein will be construed to require the Employer or the Administrator to maintain any fund or to segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in any fund, account, or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which benefits are paid. While the Employer has complete responsibility for the payment of benefits out of its general assets (except for Premium Payment Benefits paid as provided in the applicable insurance policy), it may hire an unrelated third-party paying agent to make benefit payments on its behalf.



**ARTICLE V  
PREMIUM PAYMENT BENEFITS**

**5.1 Benefits**

An Eligible Employee may elect to pay contributions for the cost of benefits offered under the Underlying Plans in which the Eligible Employee is otherwise eligible to participate on a pre-tax salary reduction basis (“Premium Payment Benefits”).

**5.2 Contributions for Cost of Coverage**

The annual contribution for a Participant’s Premium Payment Benefits is equal to the amount set by the Employer, which may or may not be the same amount charged by an insurance carrier.

**5.3 Benefits Provided Under the Underlying Plans**

The types and amounts of benefits, the requirements for participating, and the other terms and conditions of coverage and benefits are set forth in the Underlying Plans. All claims to receive benefits shall be subject to and governed by the terms and conditions of the Underlying Plans and the rules, regulations, policies, and procedures adopted in accordance therewith, as may be amended from time to time.

**5.4 Contributions for COBRA Coverage**

COBRA coverage shall be paid on an after-tax basis.

**ARTICLE VI  
CASH-OUT BENEFIT OPTION**

**6.1 Election of Qualified Cash-Out Benefit Option.**

Each Eligible Employee participating in the Plan who has elected to waive medical coverage made available under the Plan may, at the time such waiver is made, elect the Qualified Cash-Out Benefit Option, subject to the provisions below. Prior to the commencement of each Plan Year, the Township, in its capacity as Plan Administrator shall determine, in its sole and absolute discretion, the amount of the qualified cash-out allowance for the applicable Plan year in accordance with any rules and procedures adopted by the Plan Administrator from time to time.

The annual qualified cash-out allowance applicable to each Participant electing the Qualified Cash-Out Benefit Option shall be divided into two equal installments payable in June and December of the Plan Year and added to such participant's cash compensation for the last pay period ending in such month, provided the Participant does not have in effect any medical coverage available under the Plan at such time. A participant may elect the Qualified Cash-Out Benefit Option in such form and manner as the Plan administrator shall prescribe, at the same time or times that he or she is permitted to elect medical insurance coverage under the Plan. Such election shall be irrevocable during each Plan year to the same extent as an election of medical coverage under the Plan.

**6.2 Additional Provisions.**

The Qualified Cash-Out Benefit Option is:

- a) available only to the extent permitted by the Medicare Secondary Payer law, if applicable;
- b) considered a payment of taxable cash compensation;
- c) not considered any form of flex credit or flex credit contribution by the employer as such terms are used in IRS Notice 2015-87; and
- d) not intended for the direct purchase/reimbursement of any other group or individual market medical insurance premium.

**6.3 Status of Qualified Cash-Out Benefit Option under IRS Notice 2015-87 with respect to ACA Affordability.**

This Amendment relates to a Qualified Cash-Out Benefit Option that was in place on or before December 16, 2015. Accordingly, pending future IRS guidance, the employee contribution for single only coverage under the ACA safe harbor affordability calculation performed by the Employer shall not be increased by the qualified cash-out allowance payments.

**ARTICLE VII  
HEALTH SAVINGS ACCOUNTS**

**7.1 HSA Benefits**

An Eligible Employee who is an “HSA-Eligible Individual” (as defined below) may elect to make contributions on a pre-tax salary reduction basis to the Employee’s HSA (“HSA Benefits”). An HSA-Eligible Individual means an individual who is eligible to contribute to a health savings account under Code Section 223 and who elects qualifying high deductible health plan coverage (within the meaning of Code Section 223(c)(2)) offered by the Employer.

HSA Benefits cannot be elected with a health reimbursement account.

**7.2 Maximum Limits**

The annual contribution for a Participant’s HSA Benefits is equal to the annual benefit amount elected by the Participant, but in no event shall the amount elected exceed the statutory maximum amount for health savings account contributions applicable to the Participant’s high deductible plan coverage option. The maximum annual contribution amount shall be reduced by any other contribution made on the Participant’s behalf (other than pre-tax salary reductions) and prorated for the number of months in which the Participant is an HSA-Eligible Individual.

**7.3 Recording Contributions for HSA**

The HSA trustee/custodian, not the Employer, will establish and maintain the HSA.

**7.4 HSA Not Intended to Be Part of Plan**

HSA Benefits under this Plan consist solely of the ability to make contributions to the HSA on a pre-tax salary reduction basis. The terms and conditions of each Participant’s HSA trust or custodial account are described in the HSA trust or custodial agreement provided by the applicable trustee/custodian to each electing Participant and are not part of this Plan.

The Employer has no responsibility or authority relating to the HSA, other than to forward to the HSA trustee/custodian the pre-tax salary reductions contributions elected by the Participant.

## **ARTICLE VIII ADMINISTRATION**

### **8.1 Authority of the Township**

The Township shall be responsible for the administration of the Plan. The Township, by action of its board of supervisors, may delegate its authority and responsibility under the Plan to a committee or individuals.

### **8.2 Powers of the Administrator**

The Administrator shall have such duties and powers as it considers necessary or appropriate to discharge its duties. It shall have the exclusive right to interpret the Plan and to decide all matters thereunder, and all determinations of the Administrator with respect to any matter hereunder shall be conclusive and binding on all persons. Without limiting the generality of the foregoing, the Administrator shall have the following discretionary authority:

- (a) to construe and interpret this Plan, including all possible ambiguities, inconsistencies and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of benefits under this Plan;
- (b) to prescribe procedures to be followed and the forms to be used by Employees and Participants to make elections pursuant to this Plan;
- (c) to prepare and distribute information explaining this Plan and the benefits under this Plan in such manner as the Administrator determines to be appropriate;
- (d) to request and receive from all Employees and Participants such information as the Administrator shall from time to time determine to be necessary for the proper administration of this Plan;
- (e) to furnish each Employee and Participant with such reports with respect to the administration of this Plan as the Administrator determines to be reasonable and appropriate, including appropriate statements setting forth the amounts by which a Participant's Compensation has been reduced in order to provide benefits under this Plan;
- (f) to receive, review and keep on file such reports and information regarding the benefits covered by this Plan as the Administrator determines from time to time to be necessary and proper;
- (g) to appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and benefit consultants;

(h) to sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;

(i) to secure independent medical or other advice and require such evidence as it deems necessary to decide any claim or appeal; and

(j) to maintain the books of accounts, records and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

### **8.3 Reliance on Participant, Tables, etc.**

The Administrator may rely upon the direction, information or election of a Participant as being proper under the Plan, and neither the Township nor the Administrator shall be responsible for any act or failure to act because of a direction or lack of direction by a Participant. The Administrator will also be entitled to rely conclusively on all tables, valuations, certificates, opinions and reports that are furnished by accountants, attorneys or other experts employed or engaged by the Administrator.

### **8.4 Provision for Third-Party Plan Service Providers**

The Administrator may employ the services of such persons as it may deem necessary or desirable in connection with the operation of the Plan.

### **8.5 Inability to Locate Payee**

If the Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.

### **8.6 Effect of Mistake**

In the event of a mistake as to the eligibility or participation of an Employee, the allocations made to the account of any Participant, or the amount of benefits paid or to be paid to a Participant or other person, the Administrator shall, to the extent that it deems administratively possible and otherwise permissible under applicable law, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as it will in its judgment accord to such Participant or other person the credits to the account or distributions to which he or she is properly entitled under the Plan. Such action by the Administrator may include withholding of any amounts due to the Plan or the Employer from Compensation paid by the Employer.

## **ARTICLE IX GENERAL PROVISIONS**

### **9.1 Expenses**

All reasonable expenses incurred in administering the Plan are currently paid by the Employer. For HSA Benefits, a separate HSA trustee/custodian fee may be assessed by the Participant's HSA trustee/custodian, which is currently paid by the Employer. Any such fee shall be the responsibility of the Participant to the extent not paid by the Employer.

### **9.2 No Contract of Employment**

Nothing herein contained is intended to be or shall be construed as constituting a contract or other arrangement between any Employee and the Employer to the effect that such Employee will be employed for any specific period of time.

### **9.3 Amendment and Termination**

This Plan has been established with the intent of being maintained for an indefinite period of time. Nonetheless, the Township may amend or terminate all or any part of this Plan at any time for any reason by action of its board of supervisors. The Township, by action of its board of supervisors, may delegate the authority to amend or terminate the Plan to a committee or individuals.

### **9.4 Governing Law**

This Plan shall be construed, administered, and enforced according to the laws of the Commonwealth of Pennsylvania to the extent not superseded by the Code, or any other federal law.

### **9.5 Compliance with the Code and Other Applicable Law**

It is intended that this Plan meet all applicable requirements of the Code, the FMLA and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, and of other applicable law. This Plan shall be construed, operated, and administered accordingly, and in the event of any conflict between any part, clause, or provision of this Plan and such law, the provisions of such law shall be deemed controlling, and any conflicting part, clause, or provision of this Plan shall be deemed superseded to the extent of the conflict.

### **9.6 No Guarantee of Tax Consequences**

Neither the Township, the Administrator nor any Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under this Plan will be excludable from the Participant's gross income for federal, state or local income tax purposes. It shall be the obligation of each Participant to determine whether each payment

under this Plan is excludable from the Participant's gross income for federal, state, and local income tax purposes and to notify the Administrator if the Participant has any reason to believe that such payment is not so excludable.

### **9.7 Indemnification of Employer**

If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis and if such payments do not qualify for such treatment under the Code, then such Participant shall indemnify and reimburse the Employer for any liability that it may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

### **9.8 Non-Assignability of Rights**

The right of any Participant to receive any reimbursement under this Plan shall not be alienable by the Participant by assignment or any other method and shall not be subject to claims by the Participant's creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.

### **9.9 Headings**

The headings of the various Articles and Sections are inserted for convenience of reference and are not to be regarded as part of this Plan or as indicating or controlling the meaning or construction of any provision.

### **9.10 Plan Provisions Controlling**

In the event that the terms or provisions of any summary or description of this Plan are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this Plan shall be controlling.

### **9.11 Severability**

Should any part of this Plan subsequently be invalidated by a court of competent jurisdiction, the remainder of the Plan shall be given effect to the maximum extent possible.

IN WITNESS WHEREOF, this Plan document is hereby executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

LOWER GWYNEDD TOWNSHIP

By \_\_\_\_\_  
Danielle A. Duckett  
Chair of the Board of Supervisors

Attest:

\_\_\_\_\_  
Mimi Gleason  
Township Manager





## MEMORANDUM

**ATTN:** Board of Supervisors

**DATE:** Friday, May 05, 2023

**FROM:** Jamie P. Worman, Assistant Township Manager *Jamie Worman*

**SUBJ:** Approval of Inter-Governmental Agreement with North Wales Borough & Upper Gwynedd Township to create Joint Board of Appeals for the Uniform Construction Code

As you will recall, the BOS approved Resolution #23-09 earlier this year, authorizing Lower Gwynedd Township to take the necessary steps to participate in the Joint Board of Code Appeals that exists between Upper Gwynedd Township and North Wales Borough. The Inter-Governmental Agreement (IGA) was revised by the Upper Gwynedd Township Solicitor to now include Lower Gwynedd Township. This document is attached for your reference.

***Recommended action: The recommended action is that the BOS approve the Inter-Governmental Agreement so that Lower Gwynedd Township can become part of the Joint Board of Appeals, which is required under the Uniform Construction Code, with Upper Gwynedd Township and North Wales Borough.***

**INTERGOVERNMENTAL COOPERATION AGREEMENT TO CREATE A BOARD  
OF APPEALS**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between:

THE BOROUGH OF NORTH WALES (“the Borough”), a Borough organized under the laws of the Commonwealth of Pennsylvania with an address of 300 School Street, North Wales, Pennsylvania, 19454; and

UPPER GWYNEDD TOWNSHIP (“Upper Gwynedd”), a Township of the First Class organized under the laws of the Commonwealth of Pennsylvania with an address of 1 Parkside Place, North Wales, Pennsylvania, 19454; and

LOWER GWYNEDD TOWNSHIP (“Lower Gwynedd”), a Township of the Second Class, organized under the laws of the Commonwealth of Pennsylvania with an address of 1130 North Bethlehem Pike, Spring House, Pennsylvania, 19477.

The above-described parties shall hereinafter be referred to collectively as “Members” or individually as a “Member.”

**CONDITIONS OF AGREEMENT AND BACKGROUND**

A. WHEREAS, Article 9, Section 5 of the Pennsylvania Constitution and the Intergovernmental Cooperation Act of 1996, 53 Pa. C.S.A. § 2301 *et seq.* (the “Act”) authorize two or more local governments to jointly cooperate with other local governments in the exercise or performance of their respective governmental functions, powers and responsibilities; and

B. WHEREAS, the Pennsylvania General Assembly adopted the Pennsylvania Construction Code Act on November 10, 1999, as Act 45 of 1999, which is codified at 35 P.S. §§ 7210.101 through 7210.1103 (“Act 45”) in order to create a statewide building code which

would provide uniform standards for the protection of life, health, property and the environment and for the safety and welfare of the owners and occupants of buildings and structures; and

C. WHEREAS, Act 45 went into effect on April 9, 2004; and

D. WHEREAS, pursuant to Act 45, each Member has adopted an ordinance wherein the respective municipality elected to administer and enforce the Uniform Construction Code contained in 34 Pa. Code Chapters 401-405 as amended from time to time (the “Building Code”); and

E. WHEREAS, the Building Code contemplates the creation of a Board of Appeals to hear and decide appeals of orders, decisions or determinations made by the respective municipality’s building official or code official relating to the application and interpretation of the municipality’s Building Code; and

F. WHEREAS, Act 45 and the regulations promulgated pursuant to Act 45 permit two or more municipalities to establish a joint Board of Appeals through an intergovernmental agreement adopted pursuant to the Act; and

G. WHEREAS, on or about August 25, 2020, the Borough and Upper Gwynedd Township entered into an Intergovernmental Agreement establishing a joint Board of Appeals; and

G. WHEREAS, the parties hereto are desirous to amend the joint Board of Appeals to provide for the inclusion of Lower Gwynedd and form an intergovernmental Board of Appeals which shall act as the Members’ Board of Appeals that will hear and decide appeals taken from the decisions of each of their municipal Code Officials; and

H. WHEREAS, the Members desire to enter this Agreement to amend and/or form the intergovernmental Board of Appeals (the “Board of Appeals”) and to establish the

framework, organization structure and governing regulations under which the Board of Appeals shall operate, and to perform the functions described herein and in the Members' Building Code which have been adopted by the Members.

NOW, THEREFORE, the Members hereto, intending to be legally bound, agree as follows:

1. **Formation of Intergovernmental Board of Appeals.** Pursuant to the authority granted in the Pennsylvania Constitution, the Act and in Act 45, the Members hereby form an intergovernmental Board of Appeals to be known as the Joint Board of Appeals (the "Board of Appeals"). The Members shall participate in the Board of Appeals. Additional municipalities may join the Board of Appeals pursuant to the procedure in paragraph 8 herein.

2. **Jurisdiction of Board of Appeals.**

a. The Board of Appeals shall have jurisdiction over the following matters:

(1) Appeals of orders, decisions or determinations made by the respective Members' Building Code Official relating to the application and interpretation of the Members' Building Code that was duly adopted by the Member;

(2) Requests for a variance from a provision of the Members' Building Code that was duly adopted by the Member; and

(3) Requests for extension of time.

b. The Board of Appeals shall consider the following factors when deciding an appeal which is filed under 2.a.(1) above:

(1) whether the true intent of the Member's Building Code has been incorrectly interpreted by the Member's Building Official or Code Official;

(2) whether the provisions of the Building Code do not fully apply;

(3) whether an equivalent or superior form of construction is proposed and should be permitted to be used in lieu of strict conformance with the Member's Building Code.

c. The Board of Appeals may consider the following factors when ruling on a request for an extension of time or a request for a variance which is filed pursuant to paragraph 2.a.(2) or (3) above:

- (1) the reasonableness of the Building Code's application in a particular case;
- (2) the extent to which the granting of a variance or an extension of time will pose a violation of the Building Code's application in a particular case;
- (3) the availability of professional or technical personnel needed to come into compliance;
- (4) the availability of materials and equipment needed to come into compliance;
- (5) the efforts being made to come into compliance as quickly as possible;
- (6) compensatory features that will provide an equivalent degree of protection to the Building Code.

d. The Board of Appeals shall not have jurisdiction arising from the Member's Zoning Ordinance, Subdivision and Land Development Ordinances or any other ordinance enacted by the Members under the authority of the Pennsylvania Municipalities Planning Code.

3. **Organizational Structure/Qualifications of Board Members/Officers.**

a. The Board of Appeals shall consist of five (5) representatives. Upper Gwynedd Township shall appoint two (2) representatives, Lower Gwynedd shall appoint two (2) representatives and the Borough shall appoint one (1) representatives. Each appointed representative must have the qualifications and training described in paragraph 3.e below.

b. As of the date of this Agreement, there are four (4) representatives appointed to the Board of Appeals and one (1) vacancy. They are as follows:

(1) Frank Browne, appointed by Upper Gwynedd. Term expires December 31, 2027.

(2) Vacancy, to be appointed by the Borough. Term expires December 31, 2026.

(3) James Schiele, appointed by the Borough. Term expires December 31, 2025.

(4) George Cressman, appointed by Upper Gwynedd. Term expires December 31, 2024.

(5) Robert J. Dubree, appointed by Upper Gwynedd. Term expires 2023.

c. The Members have agreed that Lower Gwynedd will fill the currently vacant position, with a term expiring December 31, 2026 and, upon expiration of the term of the current representative expiring December 31, 2023, Lower Gwynedd will appoint a representative to a new five (5) year term beginning January 1, 2024. Consideration shall be given to re-appointing the current representative serving in that position, should he desire to continue to serve.

d. Thereafter, all newly appointed representatives on the Board of Appeals shall serve for a five (5) year term or until the Members appoint a successor representative. When a vacancy occurs due to the expiration of the term, resignation, or removal of a representative, the vacancy shall be filled by appointment by the same Member which appointed the representative whose seat has been vacated. Any representative on the Board of Appeals once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other cause by majority vote of the governing body of the Member which appointed him or her, or by majority vote of all Members taken after the Member has received fifteen (15) days advance notice of the intent to cause such removal or to take such a vote. A hearing shall be held in connection with such vote if the Member requests it. An appointment made to fill a vacancy arising before the expiration of a representative's term shall be for the unexpired term.

e. The representatives on the Board of Appeals must be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry and training or experience as an inspector or plan reviewer.

f. The representatives on the Board of Appeals shall not be elected officials or employees of the Members.

g. The Members shall strive to appoint representatives in the Member's municipalities, however, if the Members cannot find qualified residents to serve on the Board of Appeals, they shall be authorized to appoint a non-resident representative to the Board of Appeals.

4. **Officers/Term of Representatives/Disqualification.**

a. The representatives on the Board of Appeals shall select one representative to serve as Chairperson and one representative to serve as Secretary. The Chairperson shall preside over all meetings and hearings of the Board of Appeals. The Secretary shall keep a detailed record of all proceedings before the Board of Appeals and shall provide copies of all written decisions rendered by the Board of Appeals to each Member.

b. The Chairperson and Secretary shall serve for a term of one (1) year or until such time as the representatives on the Board of Appeals appoint a new Chairperson or Secretary.

c. A representative on the Board of Appeals shall not rule on any appeal in which he or she has a personal interest in the outcome of the appeal.

5. **Term of Agreement.** This Agreement and the Board of Appeals created herein shall have an initial term of five (5) years, which term shall commence on the Effective Date of this Agreement. At the expiration of the initial five (5) year term, this Agreement shall automatically renew for successive one (1) year terms unless a majority of the Members vote to terminate this Agreement and their representatives' participation in the Board of Appeals.

6. **Member's Ability to Terminate Membership in Board.** Notwithstanding the provisions of paragraph 5 above, a Member may terminate its participation in the Board of Appeals provided that the governing body of the Member enacts a resolution authorizing such termination. If a Member's governing body enacts such resolution, the termination shall be effective immediately or a later date which is specified in the Resolution.

7. **Costs Incurred by the Board of Appeals.** Each Member shall pay its own costs and expenses in processing a property owner's appeal to the Board of Appeals (for example, if a



property owner in Upper Gwynedd Township files an appeal to the Board of Appeals, Upper Gwynedd Township shall pay for all costs and expenses associated with such appeal). Each Member shall establish its own application fees for filing an appeal to the Board of Appeals, which fees shall be established from time to time by resolution of the governing body of each Member.

8. **Additional Members.** Other municipalities may join the Board of Appeals provided a majority of the Members agree and the governing body of such municipality enacts a resolution approving its participation in the Board of Appeals and provided an authorized officer of such additional municipality(ies) executes a written Joinder agreeing to be bound by the terms of this Agreement and any Bylaws adopted for the Board of Appeals.

9. **Functions of the Board.** It shall be the function of the Board of Appeals to rule upon:

a. Appeals from decisions rendered by the code enforcement officers of the member municipalities regarding the meaning of the Uniform Construction Code provisions or the applicability of such provisions to prospective building projects.

b. Applications for variance from the provisions of the Uniform Construction Code or for extensions to the time extended, by either the Code or code enforcement officer of a Member municipality, to an owner requiring that he take some required action.

10. **Rules and Procedures.** The Board of Appeals shall be authorized to establish policies and procedures necessary to carry out its duties provided that each Member approves the same by resolution of the Member's governing body.

11. **Appeals Procedure.**

a. Filing of Appeal. Appeals to the Board of Appeals shall be filed in the Member municipality where the subject property is located on forms provided by each Member. All appeals from orders, decisions and determinations made by a Member's Building Official or Code Official must be filed within thirty (30) days of the date of the order, decision or determination which is being appealed.

b. Notice of Meeting. The Board of Appeals shall hold a hearing within sixty (60) days from the postmark date or personal service of an appeal, unless the appellant agrees in writing to an extension of time within which to commence the hearing. Notice of the public hearing shall be sent by the Member's Manager or Secretary to all representatives of the Board of Appeals, the appellant landowner, the governing body of each Member, the Member's Building Official. In addition, notice shall be advertised once in a newspaper of general circulation within the municipality where the subject property is located not less than seven (7) nor more than twenty-one (21) days prior to the date of the hearing. Where notices have been sent to any person entitled to receive notice under the terms hereof, the failure to receive such notice shall not be a basis for the invalidation of the hearing, nor deprive the Board of Appeals of jurisdiction, nor compel re-advertising.

c. Public Hearing. All hearings of the Board of Appeals shall be held in the Member municipality where the appeal was filed and shall be open to the public and transcribed by a stenographer. The hearing shall be conducted under and pursuant to the procedure designated in the Local Agency Law of the Commonwealth of Pennsylvania. The majority of the Board of Appeals shall constitute a quorum, and the majority of the representatives of the Board of Appeals present and voting may render a decision on any matter before the Board of Appeals. At the hearing, the appellant shall be entitled to be represented by counsel and those

persons enumerated in paragraph 11.b. as well as any other persons authorized by the Board of Appeals, in its discretion, shall be permitted to intervene as parties.

d. Adjourned Meeting. When the necessary number to constitute a quorum of the Board are not present, if the testimony has not been concluded or for any other reason in the discretion of the Board of Appeals, the Board of Appeals may continue the hearing to a future date. If the hearing is not continued to a date certain, the hearing must be re-advertised in accordance with the procedure in paragraph 11.b. prior to the continued hearing.

e. Legal Counsel. Where legal counsel is desired, an attorney, other than the solicitor of the Member Municipalities, may be appointed to serve as counsel to the Board of Appeals.

12. **Rulings.** In ruling on an appeal, the Board shall find for Appellant if it determines that:

a. The true intent of the Uniform Construction Code, or the act which establishes it as a statewide code, was incorrectly interpreted by the code enforcement officer.

b. The provisions of the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, 35 P. S. § 7210.10 *et. seq.*, do not apply to the circumstances out of which arose the decision appealed from.

c. A form of construction, equivalent in the Uniform Construction Code, is to be used.

13. **Request for Extension of Time.** In ruling on a request for extension of time or variance, the Board shall consider the following:

a. The reasonableness of the Uniform Construction Code's applicability to a given set of circumstances.

- b. The degree to which the variance or extension of time requested deviates from strict adherence to the requirements of the Uniform Construction Code.
- c. The extent to which granting the variance or extension of time requested will create an unsafe condition.
- d. The availability of professional or technical personnel needed to come into compliance.
- e. The availability of materials and equipment needed to come into compliance.
- f. The efforts of Applicant to come into compliance as quickly as possible.
- g. Compensatory measures that will provided an equivalent degree of protection to the community.

14. **Decisions.**

a. Action of the Board of Appeals. The Board of Appeals shall affirm, modify or reverse the decision of the Building Official or Code Official by a majority vote of the representatives of the Board of Appeals hearing the appeal. The failure to obtain a majority vote shall constitute affirmance of the action of the Building Official or Code Official.

b. Rendering of Decision. The Board shall render a written decision within forty-five (45) days of the close of the hearings and shall make findings of fact relevant to said application and apply the applicable law to said findings of fact in the rendering its decision. Copies of the decisions shall be mailed by first class mail to each party before the Board of Appeals and to the governing body of each Member, provided, however, that failure to render a decision within the forty-five (45) day period herein shall not constitute an affirmance or denial.

c. Types of Decision. The Board of Appeals may:

- (1) Deny the request in whole or in part.
- (2) Grant the request in whole or in part.
- (3) Grant the request upon certain conditions being satisfied.

d. Enforcement of Decision. The Member's Building Official or Code Official shall take immediate action in accordance with the decision of the Board of Appeals.

e. Appeal of Decision. The Member, whether or not a party before the Board of Appeals, and any party before the Board of Appeals who is aggrieved by the decision of the Board of Appeals may appeal to the Court of Common Pleas of Montgomery County within thirty (30) days from the date of the rendering of the decision of the Board. The Court of Common Pleas shall review the record on *certiorari* to determine whether or not the Board of Appeals abused its discretion or committed an error of law.

f. The board of appeals may not act upon appeals, requests for variances or for extensions of time relating to accessibility. Such appeals and applications are within the exclusive purview of the Accessibility Advisory Board under § 403.142 of the Uniform Construction Code.

15. **Reorganization.** The Board of Appeals shall reorganize annually, at its first scheduled meeting, by selecting one of its Members as Chairperson and another as Secretary. It shall be the function of the Chairman to conduct meetings and preside at hearings before the Board. In the Chairperson's absence, the Secretary shall assume the chair with a third member substituting as secretary. In the absence of the secretary, a third member shall assume his or her role. It shall be the function of the secretary to prepare and publish public notice of board meetings, keep minutes of all Board proceedings, prepare all items of Board correspondence and

draft and circulate the decisions of the Board. In all matters brought before the Board, the presence of a quorum of Members shall be sufficient to all for the transaction of business.

16. **Fees.** Each Member municipality of the Board of Appeals shall establish a fee to be imposed upon those Appellant-Applicants who present a petition to the Board pertinent to construction within that municipality. The fee shall be used to defray the cost of public notice of any Board of Appeal meetings held to hear or deliberate upon the matter raised in the petition and to cover any other costs incurred in the proceedings. Within thirty (30) days of the date of the written decision, the municipality shall forward to the Appellant an itemized statement listing all draws upon the fee paid at the outset of the appeal. The statement shall be accompanied by the municipality's check in the sum of the unused portion of the Appellant's fee.

17. **Application of Uniform Construction Code.** When an appeal or application concerns construction within a particular Member municipality, the Board of Appeals shall apply the Uniform Construction Code with such modifications to the Uniform Commercial Code as that municipality has enacted through its governing body.

18. **Notices.** Whenever a notice is required to be given to any Member, the addresses listed above shall be used unless a different address is specifically designated by such Member. The notices shall be addressed to each Member's manager. Notices given by certified mail will be considered to have been given two (2) business days after being deposited in the United States mail. Notices given by personal delivery shall be considered to have been given on the date of delivery. Notices given by overnight courier shall be considered to have been given on the first business day after the date deposited with such overnight courier. Notices given by telecopier shall be deemed given upon completion of transmission as evidenced by the confirmation sheet

generated by the sending facsimile machine. Notices may be given on behalf of any party by its counsel.

19. **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

20. **Prior Agreements.** This Agreement shall supersede and replace any prior agreements between the Members which addressed a Joint Board of Code Appeals.

21. **Severability.** Should any sentence, clause, paragraph, term or provision of this Agreement hereafter be declared to be unconstitutional, illegal, invalid or unenforceable for any reason, such declaration shall not affect or impair the validity or enforceability of the remainder of this Agreement, it being the intention of the Members that this Agreement would have been made and entered into had not such unconstitutional, illegal or invalid provision been incorporated herein.

22. **Entire Agreement.** This writing constitutes the entire agreement among the Members. No modification of the terms of this Agreement shall be effective as to any Member unless approved in writing by such Member in a signed addendum to this Agreement.

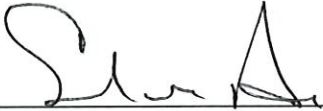
23. **Counterparts.** This Agreement may be execute in any number of counterparts each of which when executed shall be deemed to ban original but all such counterparts shall constitute one and the same instrument.

24. **Effective Date.** This Agreement shall be effective on May 1, 2023 (“Effective Date”) provided that an authorized representative of each Member has executed this Agreement and each Member has passed a Resolution authorizing participation in the Board of Appeals.

IN WITNESS WHEREOF, the Members have caused these presents to be duly executed and attested with the seal of the respective Member as of the date first mentioned hereinabove.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their hands and seals  
the day and year above written.

BOROUGH OF NORTH WALES

By:   
Salvatore Amato, President

ATTEST:   
Secretary

UPPER GWYNEDD TOWNSHIP



By:   
Denise Hull, President

ATTEST:   
Secretary

LOWER GWYNEDD TOWNSHIP

By: \_\_\_\_\_  
Danielle A. Duckett, Chairperson

ATTEST: \_\_\_\_\_  
Secretary



**LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
TUESDAY, APRIL 25, 2023**

**SUPERVISORS:**

Danielle A. Duckett, Chairman  
Michael Twersky, Vice Chair  
Janine Martin  
Kathleen Hunsicker  
Tessie McNeely

**STAFF:**

Mimi Gleason, Township Manager  
Jamie Worman, Assistant Township Manager  
Michelle Farzetta, Administrative Assistant  
Neil Stein, Esq., Solicitor  
Fred Zollers, Director Public Works  
Paul Kenny, Police Chief  
Jim Hersh, Township Engineer, Gilmore  
Chad Dixson, Traffic Engineer, McMahan a Bowman Company  
Melinda Haldeman – Finance Director  
Steve Wiesner – Finance Consultant

**Call to Order and Pledge of Allegiance**

The Chair called the hybrid meeting to order at 7:02 pm at the Lower Gwynedd Township Building and virtually on Zoom and led those in attendance in the pledge of allegiance.

**ANNOUNCEMENTS AND PRESENTATIONS**

The Board of Supervisors met in executive session prior to tonight's meeting to discuss matters of personnel, real estate and litigation.

**PUBLIC COMMENTS**

There was no public comment.

**BUILDING AND ZONING**

**Resolution 2023-11 Preliminary/final land development approval for Gwynedd Mercy Academy High School**

Ms. Duckett made a motion to table this agenda item at Gwynedd Mercy High School's Request. This motion was seconded by Ms. Hunsicker. Motion passed 5-0.

**Discussion about purpose of cluster zoning requirements and potential amendments**

Mr. Hersh stated that cluster developments are typically built to preserve open space, minimize stormwater runoff into wetlands and streams and limit impervious surfaces. Cluster developments also have smaller lots, smaller setbacks, reduced energy consumption associated with less land disturbance and lower infrastructure construction and maintenance cost due to shorter roads, sidewalks, water and sewer lines. Mr. Hersh provided a color-coded zoning map to help the Board of Supervisors (BOS) identify areas within the township available for cluster developments. Ms.

April 25, 2023

Hunsicker stated that we do not have much open space left, so we need to preserve as much as we can. Do we want to require a developer to build cluster developments? Ms. Martin questioned if cluster developments are the best way to conserve open space. Are there other ways? After additional conversation among the BOS, it was decided that we need to revisit zoning in relation to cluster developments and review this as part of the Comprehensive Plan. We also need to take a deeper dive into each parcel and see what we want to preserve on each. Receiving input from a developer would also be beneficial.

**Discussion about proposed update to the traffic impact fee**

Mr. Dixon stated that we are looking to update the Traffic Impact Fee (TIF) to reflect the current construction costs. The current impact fee is \$2,285 per “new” weekday peak hour trip. The new TIF being proposed is \$3,865 per “new” afternoon peak hour trip. The Traffic Impact Fee Advisory Committee (TIFAC) have met twice and unanimously agree to move forward with the increase. An ordinance will be drafted and then proposed for advertisement in May.

**Consideration of an amendment to the Zoning Ordinance removing permit requirements for campaign signs (Public Hearing)**

Solicitor Neil Stein opened the hearing and submitted his exhibits for the record verifying that notification requirements were met. The proposed ordinance is to remove the permit requirements for campaign signs and delete the definition by amending Chapter 1292. The information provided was transcribed by a court reporter and will be available upon request. Ms. Duckett made a motion to approve the proposed ordinance seconded by Ms. McNeely. Motion passed 5-0.

**Approval of the Assignment & Assumption of Lower Gwynedd Township Subdivision and Land Development Agreement, Stormwater Facilities Maintenance and Operation Agreement, Permits and Approvals related to the 1323 Gypsy Hill Road Subdivision**

Mr. Stein stated that this property has changed hands multiple times. This alignment and assumption agreement will amend the land development and stormwater management agreements for 1323 Gypsy Hill Road Subdivision allowing EK Construction, LLC to assume responsibility and release Senate R.E. Holdings, LLC of all obligation. The necessary financial security has been posted by EK Construction, LLC. Ms. Duckett made a motion, seconded by Mr. Twersky, to approve the assignment and assumption agreement. Motion passed 5-0.

**GENERAL BUSINESS**

**Consider appointment of Mimi Gleason as Township Manager**

Ms. Gleason has agreed to stay on as the Township manager. Ms. Duckett made a motion, seconded by Ms. Hunsicker, to appoint Ms. Gleason as Township Manager. Motion passed 5-0.

**Approval of contract for Mimi Gleason**

Ms. Gleason’s contract was provided to the BOS for review. Ms. Duckett made a motion to approve the contract, seconded by Ms. Hunsicker. Motion passed 5-0. Ms. Gleason stated that she is to be sworn in the next day by Ms. Farzetta.

**Approval of amended lease agreement with Wells Fargo Bank**

Wells Fargo asked to exercise the option to amend their lease for the next 5-year period, as well as the addition of two more 5-year options. The rent would increase by 2.5% each year. This lease

April 25, 2023

agreement would be good through 2039. Ms. Duckett made a motion, seconded by Mr. Twersky, to amend the lease agreement. Motion passed 5-0.

**Authorization for James D. Morrissey, Inc. to utilize the Township property located at 901 Sunneytown Pike (former Texaco Station) as a staging area for the Spring House Intersection Improvement for the duration of the project**

James D. Morrissey requested to use the vacant lot adjacent to the Southwest corner of Sunneytown Pike and North Bethlehem Pike as a staging area for the duration of the Springhouse Roadway improvement project. The time frame is estimated at approximately 300 days. The discussion among the BOS addressed concerns regarding the safety of that location, as there are no fences to keep people away from the equipment, making sure the area is restored back to its original condition upon completion of the project and the fact that this area is an entrance to the township and leaving the equipment and materials should not be the first thing people should see. They asked Mr. Dixon if it would be possible to find another area to house the equipment and materials. Mr. Dixon replied that he would contact Morrissey and see what they can do. There would be a punch list upon completion of the project that would address the area being restored to its original state. We also can work with Neil to address some of the concerns in the contract documents. The BOS said if there are no other options, then they would reconsider.

**Award bid for annual milling and paving program to James D. Morrissey, Inc. in the amount of \$310,523.40**

James D. Morrissey was the low bidder for the 2023 Township Milling and Paving program. Gilmore has reviewed the bid and all bid documents have been properly completed. The total cost for this project is \$310,523.40. Ms. Hunsicker made a motion, seconded by Ms. McNeely, to award the bid to James D. Morrissey. Motion passed 5-0.

**Award bid for annual ultra-thin bonded wearing course, as part of the annual paving program, to Asphalt Maintenance Solutions, Inc. in the amount of \$207,429.41**

Asphalt Maintenance is the low bidder for the 2023 ultra-thin bonded wearing course project. The total cost for the project is \$207,429.41. Ms. McNeely made a motion, seconded by Ms. Hunsicker, to award the bid to Asphalt Maintenance Solutions. Motion passed 5-0.

**Authorize Solicitor to sign the stipulation to settle the property assessment appeal for 1252 Meetinghouse Road**

The owner of this property appealed their property assessment. This is the tax base for which school, county and township real estate tax rates are applied. The Board of Appeals and the tax payer have agreed to a settlement. Ms. Duckett made a motion, seconded by Mr. Twersky, to allow Mr. Stein to sign the stipulation to settle. Motion passed 5-0.

**Authorize purchase of budgeted police vehicles through Costars**

The 2023 budget included funding for two new Chevy Tahoe's to be marked as patrol vehicles. Both vehicles and the upfitting will be purchased through Costars. These vehicles will be additional vehicles, as they are often short vehicles due to breakdowns of existing vehicles. The new Tahoe's should be in by the end of the year. Ms. McNeely asked when the police would be moving to electric vehicles. Chief Kenny replied that he does not see that happening anywhere yet. There is a high demand of time

April 25, 2023

required on the patrol vehicles and as of now there is no technology to support them for that period. Ms. Duckett made a motion, seconded by Mr. Twersky, to authorize the purchase of the vehicles. Motion passed 5-0.

### **Approve resolution designating bank signatories**

Currently the township holds two 10-year CD's that will mature this spring. Staff is recommending that these CD's be redeemed and the proceeds, plus accumulated interest, be deposited in the Townships General Fund account. In order to complete this recommendation, a new Banking Resolution must be approved by the BOS updating the authorized signers and removing those no longer affiliated with the Township. Ms. Duckett made a motion, seconded by Ms. Martin, to approve the signature designations. Motion passed 5-0.

### **Receipt of invoice history - March 2023**

The BOS received the Invoice history for March of 2023 in the amount of \$916,061.71. Ms. Duckett made a motion, seconded by Ms. Hunsicker, to approve the invoice history. Motion passed 5-0.

### **Financials YTD and Balance Sheet - March 2023**

The BOS received the Year-to-Date Financials for March of 2023. Ms. Haldeman asked if there were any questions and if there was anything specific, they would like to see moving forward in the monthly reports. Ms. Duckett and Mr. Twersky stated that the highlights are very helpful. There were no additional suggestions at this time.

### **Approval of minutes - April 11, 2023**

The BOS received the minutes for the meeting held April 11, 2023. There were no questions or comments. Ms. Duckett made a motion, seconded by Ms. McNeely, to approve the minutes. Motion passed 5-0.

## **COMMITTEE REPORTS**

**EAC-** Mr. Twersky stated that they spent a great deal of time discussing the fee in lieu of tree waivers. They also discussed upcoming events such as the Ambler EarthFest, composting workshop, tree giveaway and a creek clean up. There was also discussion about a mountain bike trail at Penllyn Woods and increasing the native tree requirements.

**Human Relations Commission -** One of the members, Jimmy Chong will be featured on the news to discuss Anti-Asian Hate: Then and Now on May 8<sup>th</sup> at 7pm.

**Historical Advisory Committee -** Ms. Martin stated that there was a presentation from Gloria Jones, regarding the history of Penllyn Village. They will be making a recommendation to the BOS regarding making Penllyn a honorary historical district. Recommendations will also be made regarding procedures for historical markers, as well as ways to represent the Gwynedd School in the parks' strategic plan.

**Parks and Recreation -** Did not meet, but held a trail clean up on Earth Day.

**EMS -** Ms. McNeely stated that they discussed how the township can better support the fire and ambulance companies. We are evaluating our budget to help us understand if we need to adjust our contributions. Wissahickon fire company has purchased a new fire truck which should arrive in 2025,

April 25, 2023

allowing a few years for them to budget for this purchase. They are also looking to make improvements to the addresses in Foulkways to make it easier for the units to be found in an emergency. Ms. Hunsicker added that more information is being gathered regarding the tax credits for fire fighters. There will be an ordinance regarding this in May.

### STAFF UPDATES

**Bethlehem Pike pedestrian improvements update** – Mr. Hersh stated that two bridges will be installed over the creek at Bergey’s and at Locust Lane. These will be paid for with funds from the MONTCO 2040 grant. We have received the extension through June of 2024. We need to acquire some easements from a few properties and Ms. Worman is working on those. We are working on obtaining a final quote and then the bridges will be fabricated, and a bid put out for installation. We should have the bridge in by the end of the year, therefore we should not have a problem meeting the June deadline. Ms. McNeely would like to see what the bridges will look like. Ms. Worman said she can send a photo to everyone.

Ms. Gleason mentioned that Ambler Yards has submitted the application for their food truck events. There were concerns about parking in the area. We are working with the police and public works to have parking signs put up designating parking on one side of the road and maps will be provided designating parking areas.

Ms. Duckett mentioned that no signs of any kind are permitted on township property. They will be removed by staff. If you have any questions reach out to township staff for clarification.

### SUPERVISORS COMMENTS

There were no comments from Ms. McNeely, Ms. Hunsicker, Ms. Martin or Mr. Twersky. Ms. Duckett reminded everyone of the Juneteenth event at Bethlehem Baptist Church. Check the website for details. She also stated that there would be a Pride flag raising event on June 1<sup>st</sup>. More details will be announced.

### Adjournment

Ms. Duckett made a motion to adjourn at 8:37pm, seconded by Ms. McNeely. Motion passed 5-0.

Respectfully submitted,

Michelle Farzetta  
Administrative Assistant