

Tonight's Meeting will be a Virtual Meeting Hosted by ZOOM due to the "Social Distancing" Order by Governor Wolf: Meeting ID:

Meeting Password:

Dial:

LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

TUESDAY, JUNE 23, 2020

SUPERVISORS PRESENT:

Mark Grey, Chair
Danielle A. Duckett, Vice-Chair
Edward J. Brandt
Kathleen Hunsicker
Tessie McNeely

STAFF:

Craig T. McAnally, Township Manager
Jamie Worman, Assistant Township Manager
Carole Culbreth, Assistant Secretary
Chuck Wilson, Finance Director
Ken Amey, Zoning Officer
Paul Kenny, Police Chief
Tom Speers, Esq., Solicitor
Jim Hersh, Gilmore and Associates, Township Engineer
Chad Dixon, McMahon Associates, Traffic Engineer

Call to Order and Pledge of Allegiance

The Chair called the meeting to order at 7:04 PM which is being held virtually in ZOOM. He led those in attendance in the pledge of allegiance. He stated the meeting tonight is being audio recorded.

He stated the Board of Supervisors met in Executive Session tonight on a personnel matter.

The Chair stated Carole Culbreth has a correction to the May 12, 2020 minutes. Ms. Culbreth explained on page 3 of the May 12, 2020 minutes the Agreement of Sale for 409 Old Penllyn Pike should be recorded as Resolution No. 2020 – 10 and Authorization for Gilmore and Associates to Perform a Phase I Environmental Study for 409 Old Penllyn Pike should be recorded as a motion.

BUSINESS AND FINANCE

Receipt of Meeting Minutes:

May 26, 2020

The Board of Supervisors received the May 26, 2020 meeting minutes. The Chair asked if there were any comments. There were none. Mr. Brandt made a motion, seconded by Ms. Duckett to approve the May 26, 2020 meeting minutes. The motion passed 5 – 0.

Receipt of Year-to-Date Budget Report, April and May, 2020

The Board of Supervisors received the Year-to-Date Budget Report for April and May, 2020. The Chair asked if there were any questions or comments. There were none. Mr. Brandt made a motion seconded by Ms. Duckett to accept the Year-to-Date Budget Report for April and May, 2020. The motion passed 5 – 0.

Receipt of the Balance Sheet, April and May, 2020

The Board of Supervisors received the Balance Sheet for April and May, 2020. The Chair asked if there were any questions or comments. There were none. Ms. McNeely made a motion, seconded by Ms. Duckett to accept the Balance Sheet for April and May, 2020. The motion passed 5 – 0.

Receipt of Invoice History for April, 2020

No action was taken.

BUILDING AND ZONING

Resolution No 2020-12: Preliminary Final Conditional Land Development Approval for Hunt Seat Drive

Ken Amey stated the Hunt Seat subdivision is a parcel of land (5.35 acres) purchased from the Penllyn Club and split into a 3-lot subdivision. He stated the Montgomery County Planning Commission, Lower Gwynedd Planning Commission and the Building and Zoning Subcommittee have recommended approval. He stated the applicant has agreed to pay the Township all proper fees. He stated Resolution No. 2020-12 is ready for Board action. Rob Lewis, counsel for this project, stated there are waivers and deferrals on the plans which have made allocations for impervious coverage and trees necessary to be removed to insert driveways. He stated the final calculations have not yet been determined and asked for those to be deferred and the

applicant will comply when the individual building permit is submitted. Mr. Speers asked if he reviewed the resolution and if he accepts the conditions on behalf of the applicant. Mr. Lewis replied he did and we do. The Chair asked if there were any comments from the other Supervisors. Mr. Brandt made a motion, seconded by Ms. Duckett to adopt Resolution No. 2020-12: Preliminary Final Conditional Land Development Approval for Hunt Seat Drive. The motion passed 5 – 0.

Resolution No. 2020-13: Outdoor Dining and Limited Retail Use during Recovery

Mr. Amey stated Pennsylvania is in the Yellow Phase of recovery which allows for outdoor dining but no indoor dining; the Green Phase which starts on June 26, 2020 will allow for 50% of indoor dining and a limited area to be used for indoor stores. He stated Resolution No. 2020-13 Outdoor Dining and Limited Retail Use establishes guidelines and a policy for outdoor sale of merchandise and outdoor dining of existing businesses in the Township for a period of ninety days in areas on properties where it might otherwise be prohibited. Ms. Hunsicker raised a question about the expiration date of Resolution No. 2020-13 which is 90 days or the Resolution expires if the Emergency Declaration is lifted. Ms. Duckett stated for clarification, Ms. Hunsicker would like the Resolution to expire immediately after the Emergency Declaration ends. Mr. Speers stated it will expire in 90 days as stated or if Governor Wolf’s authority for doing so expires. The Chair asked Ms. Hunsicker if she is okay with going forward with the adoption of Resolution No. 2020-13. The Chair asked if there were any further comments. There were none. Ms. Duckett made a motion, seconded by Ms. Hunsicker to adopt Resolution No. 2020-13: Outdoor and Limited Retail Use during Recovery. The motion passed 5 – 0.

OTHER BUSINESS

Volunteer Vacancy Position and Appointments

The Chair stated the Board has interviewed several candidates, and he noted we had more interest than ever before in the Township’s volunteer positions. Mr. Brandt agreed. The Chair stated there is interest in expanding the Planning Commission from a 7-member board to a 9-member board due to the number of candidates. Ms. Duckett stated there are some extremely qualified diversified candidates and it is in our best interest to include them and increase the Planning Commission to a 9-member board. Ms. McNeely agrees with Ms. Duckett that to accommodate these highly qualified individuals we should increase it to a 9-member commission. Mr. Brandt asked what are the openings now? Mr. McAnally stated one on the Park and Recreation Board, 2 on the Planning Commission, and 1 on the Vacancy Board. Mr. Brandt said if we expand to 9, we will appoint 4 to the Planning Commission. He is in favor of a 7-member commission. Mr. Brandt made a motion, seconded by Mr. McNeely to expand the

Planning Commission to a 9-member board. The Chair asked for public comments. There were none. The motion passed 5 - 0.

The Chair stated we now need to appoint board members.

Ms. Hunsicker reminded everyone of the January 6, 2020 Organization Meeting appointments to the Planning Commission and Vacancy Board by the Chair which were disappointing in their lack of transparency. She asked for the candidates who were interviewed to be notified of the appointments. Ms. Hunsicker made a motion, seconded by Mr. Brandt to postpone these appointments until we can go to a physical Board meeting with the public in attendance. Ms. McNeely said there was never an attempt not to be transparent in this process and these candidates have been waiting patiently for the appointments. Ms. Duckett stated we interviewed the candidates who wanted an interview as soon as we could. She disagrees that the process is not transparent. She said we are trying to get on with the business of the Township in the middle of COVID-19 and is not in favor of postponing. Ms. Hunsicker said she is talking about the lack of notification to the candidates and that we are taking this vote virtually especially with the way things unfolded in the beginning of the year with these appointments. The Chair stated he disagrees completely with her characterization. He and Mr. Brandt agreed we have never seen a meeting like that Organizational Meeting. He asked for public comments.

Questions through chat on Zoom. Explain venue; many are able to attend by zoom. Ms. Hunsicker stated she did mean Zoom and compared this meeting to the Organization Meeting, and I do not believe this meeting is as accommodating to the candidates.

Diane Cedar, Gwyn Ayre, questioned the process. The Chair explained that committees have terms and those terms do not all expire at once. He stated if someone wants to serve on a board, we have a volunteer application which is on the website. He stated once the application is received and reviewed the interview process takes place; and you may be appointed to a board. He stated the Supervisors select the best candidates for the open positions. She questioned why the Township is interviewing for a solicitor and the solicitor's term. He stated we put out a Request for Proposal (RFP) and are now interviewing. Ms. Duckett stated the professionals are appointed at the Organization Meeting and since it was our first meeting Ms. McNeely and I thought we had an opportunity to continue or send out a Request for Proposal (RFP) since the current solicitor has been at the Township for over 30 years. She stated the RFP is open to everyone including the previous solicitor. Ms. Cedar asked if there is a policy for term limits for professionals. Ms. Duckett stated there are no term limits for either professionals or volunteers. Mr. Brandt told Ms. Cedar that he disagrees with the other Supervisors about the previous solicitor.

Margaret Harkins, asked for the qualifications of the candidates being appointed tonight.

Bob Janke, candidate for the Planning Commission, stated he was not notified of this meeting until 5:30 pm tonight; and asked if the other candidates are in a similar position.

The Chair stated the Board has 7 members on the Planning Commission and one position opened up and three people applied for the one position and the vote was tabled, and now we have a motion for four slots. Ms. Hunsicker stated she was unaware that the Chair put the appointments on tonight's agenda. Ms. Duckett clarified she asked the Chair to get back to matters of business and put the appointments on the agenda.

Mr. Janke questioned the Planning Commission being expanded to nine members. Ms. Duckett stated our ordinance allows for up to nine members on the Planning Commission and this would give us the opportunity for individuals of different world views who are part of our community and give them a voice.

Ms. Hunsicker made a motion, seconded by Mr. Brandt to postpone the volunteer vacancy positions and appointments. The motion failed 2 ayes (Hunsicker and Brandt) and 3 nays (Grey, Duckett, McNeely).

Planning Commission Appointments by each Supervisor

Ms. McNeely: Mike Rashid, Richard Valiga, Maureen Nunn, Steve Paccione

Ms. Hunsicker: Richard Valiga, Chastity Bruno, Bob Janke, Dawn Thompson

Mr. Brandt: Richard Valiga, Chastity Bruno, Bob Janke, Dawn Thompson

Ms. Duckett: Richard Valiga, Mike Rashid, Maureen Nunn, Steve Paccione

Mr. Grey: Richard Valiga, Mike Rashid, Maureen Nunn, Steve Paccione

Ms. Hunsicker strongly objected to the new supervisors' appointment of Mr. Paccione.

Ms. Duckett stated of the 8 individuals (1 withdrew) I don't think anyone has better knowledge of the Planning Commission than Mr. Paccione or Dr. Booth and they would be an asset. She picked Mr. Paccione because he was passionate. Mr. Brandt asked how she could bypass Mr. Janke's qualifications.

Ms. Cedar stated in the spirit of transparency I'm curious if any of the supervisors had any personal dealings that would shade your vote. Ms. Duckett had no interactions with her four appointments except for Mr. Paccione and Dr. Booth because they were

on the Board of Supervisors. She stated she was looking for a different aspect and qualifications, and how they would complement the Board.

Ms. McNeely made a motion, seconded by Ms. Duckett to appoint Richard Valiga, Mike Rashid, Maureen Nunn, and Steve Paccione to the Planning Commission. The motion carried 3 ayes (McNeely, Duckett, Grey) and 2 nays (*Hunsicker, Brandt). Ms. Hunsicker bifurcates her vote (*votes for Valiga but not the other three applicants). Mr. Brandt stated he did not understand how they could pass over Mr. Janke.

Park and Recreation Appointment by Board of Supervisors

Ms. McNeely stated she would like to appoint the one applicant who requested the Park and Recreation Board, Mr. Berdahl. Ms. McNeely stated in her previous vote she looked for diversity and no disparaging of qualifications. Mr. Brandt stated we both have our own judgements.

Ms. McNeely made a motion, seconded by Mr. Duckett to appoint Mr. Berdahl to the Park and Recreation Board. The motion carried 5 - 0.

Vacancy Board Appointment by Board of Supervisors

Ms. McNeely stated her next appointment was for the Vacancy Board, and we had a single applicant, Debra Schaeffer. She stated she knows Ms. Schaeffer and she interviewed very well and recommends her for the position. She stated she is a highly ethical and educated individual who will be fair minded. Ms. Hunsicker stated she would like to nominate Mr. Janke who would be neutral and unbiased on the vacancy board. She explained the Vacancy Board breaks the tie vote on the Board of Supervisors. She stated Ms. Schaeffer interviewed well but she is a Democratic committee person with a conflict of interest. Mr. Brandt seconds Ms. Hunsicker's comments. Ms. Duckett asked if any of the positions we are appointing prohibit them from being part of a political party. Ms. Hunsicker said no. Ms. McNeely made a motion, seconded by Ms. Duckett to appoint Debra Schaeffer to the Vacancy Board as she was the single applicant. The motion passed 3 ayes (Grey, Duckett, McNeely) 2 nays (Hunsicker, Brandt).

Mr. Brandt clarified that the Vacancy Board is appointed by the Supervisors and not through applications.

Proclamation for 2020 Graduates

Mr. McAnally stated at the last meeting the Board of Supervisors asked for a proclamation recognizing the achievements of all Lower Gwynedd Township 2020 graduates of all public and private schools in the area. Ms. Duckett made a motion, seconded by Ms. Hunsicker to approve the Proclamation for the 2020 Graduates of

Lower Gwynedd. The motion passed 5 – 0. Mr. McAnally stated that the Proclamation can be obtained by any graduate. He stated it will be posted on the website.

Authorization to Advertise Welsh Road Pedestrian Trail Bids

Mr. Hersh stated the Welsh Road Pedestrian Trail is a safe pedestrian access on the SW corner of Tennis Avenue and Welsh Road. He stated the project will install a pedestrian bridge to connect Lloyd Avenue to J & J trails. He asked for authorization to advertise the bids and move forward on the Welsh Road Pedestrian Trail Bids. Ms. Duckett made a motion, seconded by Mr. Brandt to authorize advertisement of the Welsh Road Pedestrian Trail Bids. The motion passed 5 – 0.

Recommendation from the Pike Fest Committee: Pike Fest 2020

Ms. Duckett stated the Pike Fest Committee met on June 18, 2020 to discuss the 2020 Pike Fest. She stated the Pike Fest Committee decided to postpone the Pike Fest until 2021. The Chair asked if there were any comments. There were none. Ms. Duckett made a motion, seconded by Ms. McNeely to postpone the Pike Fest until 2021. The motion passed 5 – 0.

Resolution No. 2020 - 14

The Chair stated this Resolution is not on the Agenda. The Chair read Resolution No. 2020 – 14 (See below).

Lower Gwynedd Township Board of Supervisors

Resolution 2020-14

WHEREAS; the last few months have required us all to focus on what community in action looks like. All Lower Gwynedd residents have sacrificed, sheltered in place, and socially distanced so that the most vulnerable amongst us remained as safe as possible. Our lives were altered, but we rallied to ensure that we did what was best for the individuals who make up our community; and

WHEREAS; after the murder of George Floyd, we were horrified, saddened, and left in a state of disbelief and grief. Mr. Floyd's death was just the latest in a long and tragic line of black lives that were ended by abusive and callous police authorities; and

WHEREAS; the Lower Gwynedd Police Department recently shared its shock at the death of Mr. Floyd and reiterated the Police Department's commitment to "Protect and Serve" with compassion and concern. Lower Gwynedd is fortunate to have a Department with an excellent history of serving the community. We are proud of our community's history and want to be at the forefront of addressing the complex needs that are presented by accurately representing everyone's needs. However, we still need to commit ourselves to ensuring that everyone in our township feels safe; and

WHEREAS; Black Lives Matter is about humanity. It is a movement that advocates for affirming the humanity of Black Lives in the face of historic systemic oppression. As Township

Supervisors, we concur that Black Lives Matter and we support our First Amendment right of peaceful protest under the Constitution, support those who affirm that right, and admonish those who would abridge it; and

THEREFORE, BE IT RESOLVED; as a township, we need to discuss what community safety means to us and what it should look like. We do not have all the answers; but using best practices and data driven models, we must begin an inclusive community dialogue; and

THEREFOR BE IT FURTHER RESOLVED; the Lower Gwynedd Township Board of Supervisors will be holding open meetings within the next six months to address community safety issues so that Lower Gwynedd can create and implement a set of best practices for continued community safety.

DULY PRESENTED AND ADOPTED, by the Board of Supervisors of Lower Gwynedd Township at a public meeting held on the 23rd day of June 2020.

LOWER GWYNEDD TOWNSHIP

Mark Grey, Chair

Attest: Craig McAnally, Manager/Secretary

Mr. Brandt stated he sent his vision for Public Safety to the Supervisors and did not get a response. He noted the Lower Gwynedd Township Police Department is one of a few that are certified in Pennsylvania. He stated this Resolution was not discussed with the Board. Ms. Hunsicker stated weeks ago she had sent her comments which were in the same spirit to the Board but did not receive a response. Ms. Hunsicker and Mr. Brandt asked to change the language of Resolution No. 2020-14 to include *Lower Gwynedd Township is fortunate to have a Police Department that has a track record void of the excessive use of force. They routinely treat all with respect and dignity. The Board of Supervisors continues with their commitment to provide the Lower Gwynedd Township Police Department with the resources to achieve that result and equitable handling of all matters.*

Ms. Duckett stated she wrote Resolution No. 2020-14; and she then discussed it with the Chair. She stated we had to make a statement so the community can move forward. She stated our community is unique. She asked that we have meetings with the community after COVID-19 ends. Ms. McNeely stated although the additional statement has merit; it is taking away from the memo. She stated there has been an undercurrent for decades. The Chair stated this resolution is not meant to diminish our Police Department. He stated this document is about Black Lives Matter and humanity. Mr. Brandt stated he received the final draft but there was no discussion on the content. Mr. Brandt asked to include Ms. Hunsicker's add on. Ms. Duckett stated Ms. Hunsicker's addition should be a separate memo.

The Chair asked for comments from the public.

Gloria Jones stated she would like to know if our Supervisors hear the voices of those crying out of Black Lives Matter. She stated All Lives Matter but only when we can demonstrate that Black Lives Matter. I have no quarrel with our Police Department. She stated this is not about policing; it's a much bigger thing. Black Lives Matter. She stated take a look at the young people from all walks of life; it's about all Americans. She stated she if very upset.

David Frank, Surrey Drive, said he cannot say it any better than Ms. Jones did. He stated we have an excellent police department but this is not about the police department.

Debra Schaeffer asked to leave it the way it is with no other comments.

The Chair told Mr. Brandt he can also do a resolution supporting the Lower Gwynedd Police Department.

Ms. Duckett made a motion, seconded by Mr. Brandt to adopt Resolution No. 2020 - 14. The motion carried 5 - 0.

PUBLIC COMMENTS

Citizen comments, concerns, questions (For items not on the agenda; comments on agenda items will be taken when those items are discussed by the Board)

Harry Hellerman asked if the Board was going to respond to Commissioner Joe Gale's comment on Black Lives Matter. Ms. Duckett stated that she concurs with Commissioner's Dr. Arkoosh and Ken Lawrence in the censure of Commissioner Joe Gale. Ms. McNeely agrees with Ms. Duckett's statement regarding Commissioner Joe Gale's divisive statement. Ms. Hunsicker stated that is the County Commissioner's job not ours. Mr. Brandt seconded Ms. Hunsicker's statement. Ms. Hunsicker stated she replied to Mr. Hellerman's email.

Chief Kenny thanked every Board member for their comments and support. He also thanked Gloria Jones.

MANAGER'S REPORT

Report from the Manager - Municipal activities, projects

Mr. McAnally stated this Saturday, June 27, 2020 a Peaceful Protest by Wissahickon Students is planned from 10:00 am to 12 Noon on Houston Road between Dager and Knight Roads.

He stated on June 15, 2020, the Township made settlement on 409 Old Penllyn Pike. He stated the current tenant's (landscaper) lease has been extended until December 2021.

He stated the Township's Offices will be closed on Friday, July 3rd for Independence Day.

SUPERVISOR'S COMMENTS

Ms. Duckett stated she would like to improve the Township's communication with the public and asked for a Request for Proposal for a Communication Specialist. She made a motion, seconded by Mr. Brandt to authorize the advertisement of a Request for Proposal for a Communication Specialist. The motion passed 5 - 0.

The meeting was adjourned at 9:50 PM.

Respectfully submitted,

Carole B. Culbreth

Assistant Secretary

DRAFT