

**LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
TUESDAY, MAY 24, 2022**

**SUPERVISORS PRESENT:**

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

**STAFF:**

Craig T. McAnally, Township Manager  
Jamie Worman, Assistant Township Manager  
Michelle Farzetta, Assistant Secretary  
Neil Stein, Esq., Solicitor  
Paul Kenny, Police Chief  
James Hersh, Gilmore Associates Township Engineer  
Chad Dixson, McMahan Traffic Engineer  
Fred Zollers, Director Public Works  
Chuck Wilson, Finance Director

**Call to Order and Pledge of Allegiance**

The Chair called the hybrid meeting to order at 7:04 p.m. at the Lower Gwynedd Township Building and virtually on Zoom and led those in attendance in the pledge of allegiance.

Announcement: Tonight's Board of Supervisors Meeting is being video recorded.

Ms. Duckett stated that there was an executive session held prior to the meeting regarding personnel issues.

Ms. Duckett announced that we would be starting the meeting outside for a promotion and swearing in ceremony for the Lower Gwynedd Police Department.

**PROMOTIONS AND SWEARING-IN CEREMONY**

**Certificate of Recognition for Detective Michael Cantrell**

Detective Cantrell was recognized for his work on an investigation involving a stolen vehicle during a Door Dash delivery on January 21, 2022. Chief Kenny explained the case and all the work and hours that Detective Cantrell put into, not only solving the crime, but how his work led to an arrest and the discovery that it was linked to a larger case that was being investigated. Chief Kenny presented him with a Certificate of Recognition.

**Promotion of Officer Shawn Sweeney to Sergeant**

Officer Sweeney was promoted to Sergeant in January of 2022, however, there was never a formal oath taken for his new position. Chief Kenny stated that Officer Sweeney has been with the police department since 2014 and we are so proud to have him here. Judge Zaffarano was there to swear him into his new position.

**Official Swearing-In to the Lower Gwynedd Police Department for Four New Police Officers**

Chief Kenny spoke about the process of hiring new police officers. There are written tests, physical tests, polygraph tests, psychological tests, background checks and two interviews. Two residents, Bob Lawn and Gloria Jones, also gave input into the interviewing process. Chief Kenny introduced the four new Police Officers one at a time and then had them sworn in by Judge Zaffarano. Chief Kenny spoke about each officer and then had a family member come up to hold the bible for the swearing in. The four officers sworn in were John Dobson, John Taylor, Dennis Cosgrove and Kayin Nix.

**BUSINESS AND FINANCE**

**Receipt of Minutes: April 26, 2022**

The BOS received the April 26, 2022 meeting minutes. There were no comments. Mr. Twersky made a motion, seconded by Ms. Martin to approve the April 26, 2022 meeting minutes. The motion passed 4-0.

**Receipt of Minutes: May 10, 2022**

The BOS received the May 10, 2022 meeting minutes. There were no comments. Ms. McNeely made a motion, seconded by Mr. Twersky to approve the May 10, 2022 meeting minutes. The motion passed 4-0.

**Receipt of Invoice History: April 2022**

The BOS received the Invoice history for April 2022 totaling \$465,697.33. There were no questions from the board. Mr. Twersky made a motion, seconded by Ms. Martin to accept the receipt of the invoice history for April 2022. Motion passed 4-0.

**Receipt of YTD and Balance Sheets- January 2022 through March 2022**

The BOS tabled this item as the financial report was not yet available. Ms. McNeely questioned why this report was not complete. Mr. McAnally responded he was not sure, the Financial Director informed him the report was not yet available. Ms. Duckett made a motion, seconded by Ms. McNeely to table the approval for the financial reports as they were not yet received. Motion passed 4-0.

**BUILDING AND ZONING**

**Land Development #21-03LD Precision Watches, 1612 N. Bethlehem Pike Proposal to Construct a Retail Jewelry Store**

Ms. Christen Pionzio, Esquire of HRMML attended to request approval of Resolution #2022-16 granting preliminary/final land development approval for the proposed retail jewelry store at 1612 N. Bethlehem Pike. There were no questions or comments from the board. A motion was made by Mr. Twersky, seconded by Ms. McNeely to approve Resolution #2022-16 granting preliminary/final approval of Land Development #21-03LD Precision Watches, 1612 N. Bethlehem Pike. Motion passed 4-0.

**OTHER BUSINESS**

**Update by Gilmore and Associates on the Brookside Avenue Flood Study**

May 24, 2022

Mr. Jim Hersh, Township Engineer, gave an update on the Flood Study being performed with the DCED Flood Mitigation Grant awarded to the Township for roughly \$50,000. The study is 50 % complete at this point. Mr. Hersh had a FEMA flood map and photos to share with his presentation. The area being studied is in flood zone A. FEMA has not done a detailed study of this area, so there are no flood elevations for us to use as a guide. An area of 280 acres is what they are looking at. They are looking at various obstructions and culverts along the creek channel. Ambler Yards is a development that was built on top of a creek. The creek is piped through their parking lot, building 19 and then to the Septa tracks. There is always water flow through this area. Mr. Twersky confirmed that Ambler Yards inherited this, as the they were not the original owners. Mr. Hersh stated that there is not any one entity that caused this. In extreme flood events the creek is not contained. Ms. McNeely questioned how this was approved by the EPA. Mr. Hersh stated that back in the day when this was built the regulations were different.

Mr. Hersh explained that along Brookside Avenue there are multiple pedestrian bridges/obstructions. There is a foot bridge at 450 Marion Road, a concrete slab at 448 Marion Road and a driveway bridge at 446 Marion Road that is actively used. There is also another foot bridge down the road. Stormwater basins were installed at Ambler Yards, Knight Road and Houston Road. There is a damn near the middle school. We have 280 acres with no stormwater management. We need to figure out a way to slow down the flow of water. Mr. Hersh stated that there is little open space available to help with this. Mr. Hersh stated we need to find areas where we can put basins that would have a measurable impact on the flooding. Regarding the dam, there is only one pipe at the bottom currently. A multi-level structure would be best where the dam currently exists. Another option would be to remove soil to allow for more volume. Supervisors asked if there is any place upstream that could be used to help hold back water from the damn. Mr. Hersh replied that there is space, but it is school district space that they could not or may not be willing to give up.

Mr. Hersh said that he anticipated being done the study in about two months. He also needs to link the school district in to the findings of the study. There are multiple possibilities including removing obstructions, fixing the dam and altering other areas in the watershed. The underlying soils would determine if anything could be done underground to help with the water.

Resident Iris Farag, 1208 Carriage Circle, asked how this area was determined as an issue and will the solution be discussed as to how it will affect the surrounding neighborhoods, as the water could be sent in other directions. Mr. Twersky stated that this area was identified due to residents on Brookside complaining about flooding for the past 17 years. Therefore, we hired Gilmore and Associates to do a study to see what the possible solutions could be. Once we have a solution it will be reviewed to see how it will impact other areas in the Township.

### **Update by McMahon Associates on the Township Act 209 Plan and Consideration of Forming a Transportation Impact Fee Committee**

Mr. Dixon stated that this project was originally started in 2020, before the pandemic. Since there are new board members he went over the plan again, as we are now in a position to move forward. Impact fees are used for roadway improvements, such as traffic signals, turning lanes, through lanes at intersections and new roadways. Mr. Dixon then discussed the five steps in the Transportation Fee Process. Those steps are to create a Transportation Impact Fee Advisory Committee, compile a

May 24, 2022

Land Use Assumptions Report (LUAR), perform a Roadway Sufficiency Analysis (RSA), create a Transportation Capital Improvement Plan (TCIP) and then adopt a Transportation Impact Fee Ordinance.

To create an Impact Fee Advisory Committee, you would need seven to fifteen members, with 40% of those members from a development or real estate community. This committee would be the governing body in which any Act 209 recommendations would pass through. They would make all recommendations to the BOS, provide input and direction for the preparation of the LUAR, RSA, TCIP and the impact fee. This committee would be created by a resolution.

Mr. Twersky asked why is this better than what currently exists and who determines the fee? Mr. Dixon explained that it has been fifteen years since the original studies were done, there has been land development since then and will continue to be more, and construction costs are going up. The fee is determined by the development and use manual, it is a set calculation. The committee will take into account community input and developer's input. We would not be depending solely on McMahan. Some board members feel this is just math, so why do we have to have a committee, is there a way around this. Mr. Dixon stated in order to increase the fee, we need to have the committee. Having this committee will allow there to be options for some projects, it will not be one sided. The committee is required under Act 209.

Ms. Martin asked if there was a cost associated to put this in place. Mr. Dixon stated there was a proposal submitted in 2020 for McMahan's services. The total was just under \$60,000, and will be honored. The Township will be able to reimburse itself a portion after the study.

Mr. Twersky asked how the comprehensive plan plays into this. Mr. Dixon stated that a LUAR will need to be completed and then, if necessary, there might need to be some changes to zoning ordinances.

Ms. Duckett asked what the next steps would be. Mr. Dixon said he already has approval for the study per the board in 2020. Next would be approval to identify members for the Transportation Impact Committee.

Ms. Farag, 1208 Carriage Circle, asked how often is it determined that it is time that we do this? Was this already approved in 2020? Mr. Dixon said there is no specific requirement on when this should be done, but it is typically 10 years. This was approved in 2020, but had to hold off due to the shutdown. Mr. Twersky stated that unless we do this, we cannot raise our Impact Fee. Ms. Farag then asked about the committee and how it is formed. She wants to make sure this is done correctly. The process was then explained and Mr. Dixon assured Ms. Farag that he has been doing this for 20 years and proper protocols will be followed. Ms. Duckett made a motion, seconded by Ms. McNeely to move forward with the formation of the Transportation Impact Committee. Motion passed 4-0.

### **Presentation by Michael Malloy, Rise Up Tower, Proposal for Cell Tower Collaboration with Lower Gwynedd Township**

Mike Malloy is an attorney and co-owner for RiseUp Towers. RiseUp interfaces with three of the largest wireless carriers to evaluate their needs in this area. Then RiseUp will finance, construct, maintain and insure a cell tower on Township-owned property. In exchange, the Township will receive 40% of the

gross revenue from the tower. RiseUp will install the towers and any emergency management systems that the Township may need. The Township will identify areas where we may want a tower and RiseUp will evaluate to see if this is a good location. Once we have a location and the tower is up then we are locked into a 25-year lease. They will only do towers, not roof top locations. Ms. Martin asked if RiseUp would help us in identifying locations for the towers. Mr. Malloy replied that they will analyze areas for signals, but they won't necessarily identify areas. Ms. Duckett asked how tall the towers are. Mr. Malloy said at least 120 ft. Mr. Malloy shared photos with examples of towers that they have installed in other areas. Ms. McNeely confirmed that it is a 25-year lease term. Mr. Malloy stated next steps would be to see if they would like to move forward and if so, contact him to get the process started.

**Consideration for the Proposal by MCPC to Update our Comprehensive Plan**

Ms. Duckett stated that she would like to table this item, as Ms. Hunsicker was not present for the meeting. Mr. Twersky confirmed that this proposal was a three-year plan for \$77,868. Ms. Duckett asked Mr. McAnally to confirm that this proposal would still be valid at the end of June. Mr. McAnally stated that yes, the deadline could be extended if necessary. Motion was made by Ms. Duckett, seconded by Mr. Twersky to table the consideration of the MCPC proposal for the comprehensive plan update until Ms. Hunsicker is present. Motion passed 4-0.

**Resolution #2022-14 Submission of a Greenways, Trails, Recreation Program Grant**

Ms. Duckett explained that this resolution is to authorize staff to move forward with the submission of a grant application to the Greenways, Trail and Recreation Program (GTRP). This grant request is for \$80,750 from CFA with a match of \$14,250 from the Township and will be for a master planning study for Oxford and Pen-Ambler Parks. There was a typo found in the last line stating the name of the municipality. Ms. Duckett made a motion to approve Resolution #2022-14 with the correction of the municipality to Lower Gwynedd Township. Mr. Twersky seconded the motion. Motion passed 4-0.

**Authorization for Sale of Equipment to Highest Bid Received on Municibid**

Mr. Zollers presented the BOS with the list of retired vehicles and bids that were posted for sale on Municibid. The total for all four bids is \$43,880. Mr. Zollers was looking for approval to sell. Ms. Duckett made a motion, seconded by Mr. Twersky to authorize the sale of the equipment as presented. Motion passed 4-0.

**Authorization to Extend Employment Offer for a New Public Works Foreman**

Ms. Duckett asked to table this agenda item as the BOS has not yet met the candidate. Mr. McAnally asked if they would consider extending the offer, as our next BOS meeting is not until June 28<sup>th</sup> and then have the BOS meet with the candidate prior to that meeting. Mr. Twersky suggested setting up a meeting next week for the BOS to meet and then they will move forward from there with the necessary steps. Ms. Duckett made a motion, seconded by Ms. McNeely to table the agenda item to extend an offer of employment for the Public Works Foreman position. Motion passed 4-0.

**Authorization to Accept Proposal for Televising and Repairs to Sanitary Sewer Lines in the Areas Found to be Compromised in Recent I&I Study**

Mr. Hersh stated that Gilmore completed an infiltration and inflow monitoring study in Sanitary Sewer Drainage Basin B. The monitoring indicated a higher-than-normal peaking in Manhole #700;

therefore, they are recommending the mains be cleaned, inspected via televising and repaired if necessary. He received quotes from 4 different companies to complete the work. The lowest bidder is Sewer Specialty Services with a bid of \$15,220. The estimate for any necessary repairs is an additional \$20,000. Gilmore and Associates is asking the BOS to authorize Mr. McAnally to execute a contract with Sewer Specialty Services in an amount not to exceed \$35,220 for the work. Mr. McAnally confirmed this is in the budget. Ms. Duckett asked how often this work will be done. Mr. Hersh stated that this will continue until all systems are checked. They will concentrate on the older portions of the system and then move onto systems that may have some future development. This type of work needs to be done regularly or you could have a problem down the road. Mr. Twersky made a motion, seconded by Ms. McNeely to approve the proposal from Sewer Specialty Services and authorize Mr. McAnally to execute the contract. Motion passed 4-0.

#### **Authorization to advertise Ordinance 530 Revised Police Hiring Procedures**

Ms. Duckett stated that, Act 57, the procedure for hiring a police officer, was revised in 2021. This Act identified offenses a candidate might have on their records when hiring them from another police station. Lower Gwynedd is looking to take this a step further and would like to be made aware of any investigations regarding the officer prior to being hired. This Ordinance would remove the language "final and binding" as it relates to Act 57. At this time, we are looking for authorization to advertise this ordinance and will hold a public hearing on Tuesday, June 28, 2022. Ms. Duckett made a motion authorizing the advertisement of Ordinance 530, seconded by Ms. Martin. Motion passed 4-0.

#### **Consideration of Waiving Fees for "Flowers Still Grow" Event at Penllyn Park on June 11, 2022**

Mr. Twersky stated that this is an annual event held by Renee Stewart at Penllyn Park. She has applied for the permit, but there are fees associated with this permit. Mr. Twersky is suggesting we waive these fees. This is a big event for the entire community. Other municipalities contribute to this event and this would be our contribution. The total permit fees would be around \$300. Ms. Duckett made a motion, seconded by Mr. Twersky to waive the permit fees for the "Flowers Still Grow" event at Penllyn Park. Motion passed 4-0.

#### **Consideration for Township to Recognize Juneteenth as Official Township Holiday**

Ms. Duckett summarized Resolution# 2022-15, designating June 19, 2022 as "Juneteenth Independence Day" in recognition of June 19, 1865, when news of the Emancipation Proclamation reached enslaved Africans in the southwestern states. Ms. Duckett explained that it is important that we recognize the significance of Juneteenth and observe its importance to Black liberation and progress toward the abolition of enslavement as part of the history and heritage of the United States. Ms. Duckett made a motion, seconded by Ms. Martin to approve Resolution #2022-15 recognizing Juneteenth as an official Township holiday. Motion passed 4-0.

#### **Consideration for Township Participation in a Juneteenth Event at Bethlehem Baptist Church**

Ms. Duckett stated that there will be an event at Bethlehem Baptist Church on Saturday, June 18<sup>th</sup> from 2-4pm to recognize Juneteenth. This will be a gathering to discuss the holiday with a BBQ and picnic. Ms. Duckett is looking for us to partner with Ambler Borough to supply roughly fifty percent of the funding for this event. The total cost will be dependent on the number of individuals

attending, but anticipates the cost to be between \$2000-\$3500. A motion was made by Ms. Duckett to donate up to \$1000 for the event. This was seconded by Ms. Martin and passed 4-0.

## COMMITTEE REPORTS

### **EAC Committee Request: Tree Giveaway**

The EAC provided a proposal for a Tree Giveaway Program for the Fall of 2022. The proposal states that 200 trees would be purchased along with bags of mulch and plastic tree guards. The event would be held on a Sunday from 8am-10am and coordinated by Township personnel and volunteers. The total cost for this event would be \$15,000. Larry Radine, 501 Montgomery Road, went to Whitpain Township's recent tree giveaway to see what was needed to make such an event successful. Mr. Radine stated that this would be a pilot project. We will start out with one tree per person and see how it works. Mr. Twersky asked what would happen to any leftover trees. Mr. Radine stated that they will find land and plant them with the help of any volunteers. Lynn Smith, 507 Hobby Horse Hill, stated that she works for the Ambler Rotary and knows that they could get a group of kids together to help plant any extra trees. Ms. McNeely asked if this was a way of increasing our tree canopy to a certain density. Mr. Radine stated that Montgomery County would like 60% coverage and we are hoping this will help us reach that goal in a few years. We have lost many trees over the past few years for various reasons. Ms. McNeely made a motion, seconded by Ms. Martin to approve the proposal for a tree giveaway. Motion passed 4-0.

### **EAC Committee Request: Clean Energy Resolution**

The EAC would like to create a resolution for Clean Energy. The purpose of this will be to help reduce and mitigate the Township's GHG emissions. The resolution has not been created yet, but they are looking for authorization to have our solicitor draft this. Mr. Twersky wants to make sure the language states this is a goal, not something that we are mandated to achieve. This is similar to the Ready for 100 (RF100) clean energy resolution for 100% clean energy by 2035. Melinda Wolfe, 930 Ridgeview Lane, stated that this is a goal, not something that will bind us by law. This is a community wide initiative. We will strive to be more energy efficient.

Lynn Smith, asked why we are considering this if the Sierra Club is already sunsetting this movement. Ms. Wolfe responded that the Sierra Club has many resources to help reach this goal. Ms. Duckett stated that many municipalities have crafted resolutions to transition into this. Ms. Smith feels this is not a goal that can be attained in 15 years.

Maryann Noone, 539 Tennis Avenue, feels that this will be very expensive. Ms. Duckett and Mr. Twersky said they are not legally bound to this. Ms. Noone asked how repairs or replacements for Township utilities, such as the heating plant, are being funded. Will this happen with tax money or budgeted money that has already been set aside? Ms. Duckett replied that this is a state wide initiative, so there would be grant funding available to the Township. Ms. McNeely stated that changes have occurred over the years already and we need to move forward with initiatives for clean energy. Ms. McNeely made a motion for the EAC to move forward with drafting a resolution with our solicitor, seconded by Ms. Martin. Motion passed 4-0.

### **PUBLIC COMMENT**

Gloria Jones, 1007 Pershing Road stated that she would like to address the Anti-discrimination Ordinance passed at the May 10<sup>th</sup> meeting. She was having difficulty accessing the meeting online. She wanted to come in person to read a statement regarding the history of discrimination. She is proud the board recognized this issue. She read a letter she wrote with examples of discrimination that have occurred in Penllyn over the years and would like the BOS to recognize it.

### **MANAGER'S REPORT**

Mr. McAnally stated that Ms. Hunsicker could not attend the meeting tonight due to a death in her family, and he would like to extend his condolences to her and her family. He reminded everyone that Township offices are closed on Monday for Memorial Day. Mr. McAnally also reminded everyone that starting next month we go to one meeting a month for the summer. Mr. McAnally then announced that communication was received today informing the Township that the Montco 2040 grant we applied for was approved for the second Bethlehem Pike Bridge. The total awarded is just under \$80,000.

### **SUPERVISORS COMMENTS**

Ms. McNeely congratulated the officers who received recognition and were sworn in. She also sent her condolences to Ms. Hunsicker.

Ms. Martin also echoed Ms. McNeely's comments.

Mr. Twersky also echoed Ms. McNeely's comments.

Ms. Duckett echoed Ms. McNeely's comments and reminded everyone that the next meeting would be June 28, 2022, unless we have a special meeting prior. She also announced that Lower Gwynedd Township will recognize Juneteenth by making it a Township holiday. Ms. Duckett made a motion to add Juneteenth to the list of formal holidays, seconded by Ms. Martin. Motion passed 4-0.

Ms. Duckett made a motion to adjourn the meeting, seconded by Mr. Twersky. Meeting was adjourned at 9:50pm.

Respectfully submitted,

Michelle Farzetta  
Assistant Secretary