

**LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING**

**TUESDAY, MARCH 28, 2017**

(As amended on April 25, 2017)

**SUPERVISORS PRESENT:**

Stephen Paccione, Chairman  
Kathleen Hunsicker, Vice-Chairman  
Edward J. Brandt  
Mark Grey

**ABSENT:**

Dr. J. Richard Booth

**STAFF:**

Craig McAnally, Township Manager  
Jamie Worman, Assistant Township Manager  
Carole Culbreth, Assistant Secretary  
Michael Savona, Esq., Solicitor  
Paul Kenny, Chief-of-Police  
Michael DeStefano, Public Works Director

**Call to Order and Pledge of Allegiance**

The Chairman called the meeting to order at 7:35 p.m. in the Lower Gwynedd Township Municipal Building and led those in attendance in the pledge of allegiance. The Chairman stated the Board of Supervisors met in an Executive Session before the meeting on a personnel matter.

**BUSINESS & FINANCIAL**

**Receipt of Meeting Minutes: February 14, 2017**

**February 28, 2017**

The Board of Supervisors received the minutes of the February 14, 2017 Workshop Meeting and the February 28, 2017 Regular Meeting. The Chairman asked if there were any questions or corrections on the above minutes. There were none. Ms. Hunsicker made a motion, seconded by Mr. Grey to approve the minutes of the February 14, 2017 Workshop Meeting and the February 28, 2017 Regular Meeting. The motion carried 4 - 0.

**PUBLIC COMMENTS**

The Chairman opened the meeting for public comment for items not on the agenda.

Larry Altman, Pike Fest Committee member, spoke of the success of the first Annual Pike Fest and the accomplishment of the two Co-Chairs. He stated the Pike Fest Committee hopes that the Pike Fest will remain a Lower Gwynedd Township community event with vendor participation of Lower Gwynedd

Businesses. Mr. Altman asked that the 2017 Pike Fest be allowed to continue as last year with no outside competing businesses allowed as vendors. He then quoted the following Rotary test:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

Members of the Lower Gwynedd Business Association and Pike Fest Committee members vetted some of the following concerns regarding allowing outside competing businesses to the Pike Fest:

- The Pike Fest's predecessor (The Countrie Picnic) never had an issue of exclusion
- Lower Gwynedd Township businesses pay taxes and should be highlighted on the Pike and not hampered by competitors; they have their own townships, this is our event
- There are 22 dance schools in the area; it would be horrendous to have one after another
- Can the Pike Fest be moved to a Sunday instead of a Saturday; last year was a big loss to her business
- Disappointed that competing outside vendors will be allowed
- The Pike Fest only has 100 spaces; and tax paying businesses should fill the spaces
- Can the Pike Fest remain the same for 2017 since we have contracts and check and look to 2018 for a change
- LGT business would not expect to participate in Ambler's event
- Need more time to make a decision for change
- The Township has a responsibility to its citizens and businesses
- Use the first come, first serve method and cut off at 100 spaces
- Cannot discriminate against content of the vendors
- Can we change who sponsor of the Pike Fest and let the Lower Gwynedd Business Association (LGBA) take over
- If the LGBA partners with the Township will they still be legally bound
- The LGBA will consider legal action

Mr. Paccione asked the Pike Fest Committee to be patient. He thanked Ms. Langella and Ms. Goebner for their hard work which made the Pike Fest a success. He stated the Pike Fest is a community event first. Mr. Paccione stated an ice cream vendor should not be turned away because a local yogurt vendor participates. He stated even with a successful event, there are always lessons to be learned. He stated government entities have different rules and fiduciary responsibilities. Mr. Grey stated the issue needs to be addressed.

Mr. Savona stated the Pike Fest is a governmental hosted activity. He stated the 1<sup>st</sup> amendment sets the rules for governmental entities which states that a local government must remain content neutral to vendors outside of the Township; not choosing one over another. He stated you cannot regulate free speech. Mr. Savona stated the Pike Fest cannot continue that way.

Ms. Hunsicker asked if exclusion was the problem. Mr. Grey stated it was how the committee was selecting vendors. He stated not everyone was welcome. Ms. Hunsicker stated the problem is how to select vendors.

Ms. Hunsicker made a motion, seconded by Mr. Brandt furthering the selection process to be included on the vendor application stating the current criteria used for selecting vendors which allows for the inclusion of outside vendors so long as they are not in direct competition with a Lower Gwynedd Business along the Pike.

Mr. Savona stated the motion would need to be modified to say that the application is to altered to include rules for selection that allow for a first come first serve tiered selection process that is in compliance with the First Amendment.

Ms. Hunsicker added to her motion *to add broader language to the vendor application for compliance purposes but with the same selection criteria as noted in the original motion.*

Mr. Grey stated I don't think we can vote.

Mr. Brandt noted in his 42 years with the Township, Township officials and residents worked together to bring events to the community. He recommended that the Township, Pike Fest, and Solicitor work the details out. Mr. Savona stated the Township will need to adopt a set of rules and then take a vote.

Mr. Savona stated the final language of the amended motion should be:

To adopt a method of vendor selection that is not preferential and structure acceptance to vendors on the Pike.

Ms. Hunsicker said the motion should capture the current process and will be compliant with the constitution.

Mr. Grey stated the motion should be on the vendor guidelines with using the 1<sup>st</sup> amendment and structure preferential selection on first come first serve on certain criteria without discriminating. Ms. Hunsicker asked to continue the motion and vote. Mr. Grey stated he needed documentation to approve or disapprove.

Ms. Hunsicker made a motion, seconded by Mr. Brandt furthering the selection process to be included on the vendor application stating the current criteria used for selecting vendors which allows for the inclusion of outside vendors so long as they are not in direct competition with a Lower Gwynedd Business along the Pike.

The motion failed by the following vote: Ayes 2 (Hunsicker and Brandt); Nays 2 (Grey and Paccione).

Mr. Brandt recommended the Pike Fest committee and Township staff meet to discuss. Mr. Paccione agreed to meet to discuss the language.

There were no further comments.

## **OTHER BUSINESS**

### **Amendment to Indemnity Agreement between Penn Florida and Lower Gwynedd Township**

Mr. Savona stated Paragraph 4 of the Indemnity Agreement between Penn Florida and Lower Gwynedd Township will be deleted and a new paragraph will be inserted which explains that the

Township intends to remediate contaminants identified at the Property to meet a combination of Act 2 residential Statewide Health Standards and residential Site Specific Standards. Ms. Hunsicker made a motion, seconded by Mr. Grey to amend the Indemnity Agreement between Penn Florida and Lower Gwynedd Township as stated above. The motion carried 4 - 0.

**Authorize Advertisement for Sale: Exxon Property/901 Sumneytown Pike**

Mr. McAnally asked for authorization to re-advertise the sale of Exxon Property/901 Sumneytown Pike. Ms. Hunsicker made the motion, seconded by Mr. Grey to authorize the re-advertisement of the sale of 901 Sumneytown Pike. The motion carried 4 - 0.

**Amendment to Declaration of Trewellyn Estates HOA**

Mr. McAnally stated Trewellyn Estates Home Owners Association asked for approval of a proposed amendment to the provision which governs the purposes for which assessments may be collected and expended. This amendment would provide funding for street lighting and signage work as Association expenses and approval by the Lower Gwynedd Township Board of Supervisors is required. Ms. Hunsicker made a motion, seconded by Mr. Brandt to approve the amendment to Declaration of Trewellyn Estates Homeowners Association as stated above. The motion carried 4 - 0.

**Temporary Construction Easement on North Penn Oak Road**

Mr. McAnally stated a lot on North Penn Oak Road was sold and a swale and rain garden were to be installed. The new owners do not want the swale and rain garden on their lot. He stated the Construction Company asked us to intervene with a temporary construction easement in which they will donate \$5,000 for maintenance. Ms. Hunsicker made a motion, seconded by Mr. Brandt to approve the Temporary Construction Easement on North Penn Oak Road. The motion carried 4 - 0.

**Resolution No. 2017 - 12: Fee Schedule**

Mr. McAnally stated Ms. Worman has prepared a proposed Fee Schedule and Resolution which was sent to the Board of Supervisors. A resolution of the Board of Supervisors adopting and approving a General Fee Schedule Pursuant to Chapter 208 of the Code of Lower Gwynedd Township as amended by Ordinance 416: repealing Resolution No. 2003 - 25; repealing any other inconsistent resolutions and providing for an effective date. He stated the new Fee Schedule if adopted will be effective April 12, 2017. Mr. Grey made a motion, seconded by Ms. Hunsicker to adopt Resolution No. 2017 - 12: Fee Schedule. The motion carried 4 - 0.

**Resolution No. 2017 - 13: Disposition of Records**

Mr. McAnally stated the Township's Annual Shredding Event will be held on April 8th. The Township is required to follow the Municipal Records Act which allows the Township to dispose of records according to a schedule promulgated by the Pennsylvania Historical and Museum Commission. These records will be destroyed at the Shredding Event on April 8th. Mr. Brandt made a motion, seconded by Mr. Grey to adopt Resolution No. 2017 - 13: Disposition of Records. The motion carried 4 - 0.

**Authorization for Township Manager to Execute Internet Banking Agreement with Beneficial Bank**

Mr. McAnally stated Karen Yeutter and Larry Comunale are the administrative persons listed with Beneficial Bank for both internet banking and wire transfers. He stated to continue our normal transfer and reconciliation process for Township Escrows, we need to update the following three documents with Beneficial Bank; internet Business Banking Agreement; Wire Transfer Agreement, and Administrator Request for Beneficial Bank. Mr. McAnally stated after the forms are executed he will be the administrator and assign rights to the Finance Director. Ms. Hunsicker made a motion, seconded by Mr. Brandt to authorize the Township Manager to execute Internet Banking Agreements with Beneficial Bank. The motion carried 4 - 0.

**2017 Roadway Program**

Mr. McAnally stated Gilmore & Associates, Inc. has reviewed the six bids submitted for the 2017 Roadway Program. He stated Gilmore & Associates recommends the following low bidders:

- Ocean Construction, LLC @ \$133,370.00 Concrete Program Base Bid
- Asphalt Maintenance Solutions, Inc. @ \$303,160.60 Wearing Course Base Bid & Alternates 1 & 2
- Joseph E. Sucher & Sons, Inc @ \$222,986.60 Milling & Paving Base Bid & Alternates 1 & 2

Mr. McAnally stated the 2017 Roadway Program total is \$659,517.20 and is under budget. Ms. Hunsicker made a motion, seconded by Mr. Grey to authorize the 2017 Roadway Program. The motion carried 4 - 0.

**Replacement of Truck 25**

Mr. DeStefano asked for permission to move forward with the replacement of our current 15 year old dump truck with a similar equipped 2018 International Dump Truck. He stated the truck chassis will be purchased from Del Val International through Co-Stars in the amount of \$89,590.00 and the up-fitting of the dump body, hydraulic system, snow removal equipment and D.O.T. lighting will be done by Lancaster Truck Bodies also through Co-Stars in the amount of \$63,105.00. Mr. Grey asked for the mileage of the 15 year old dump truck. Mr. DeStefano stated it has 43,000 miles and 5,000 hours. Mr. DeStefano stated the combined purchase of the truck is \$152,695.00. He also asked for authorization to sell the old truck through Municibid. Ms. Hunsicker made a motion, seconded by Mr. Grey to authorize the purchase of the dump truck chassis and upfitting of the dump body, hydraulic system, snow removal equipment and D.O.T. lighting for a total of \$152,695.00. The motion carried 4 - 0.

**MANAGER'S REPORT**

Mr. McAnally stated the traffic on Bethlehem Pike will increase for the next eight weeks while PennDOT is making repairs.

Mr. McAnally stated a proclamation for Kathleen Owens was presented to Dr. Owens by Mr. Paccione.

Mr. McAnally stated the Paper Shredding and E-Cycle Event is scheduled for April 8, 2017.

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Mr. McAnally stated the Township received a Green Fields/Green Towns Joint grant in the amount of \$300,003. (Joint Project with Whitpain)

Mr. McAnally stated he and Jamie Worman will attend the APMM conference on May 16 - 18, 2017 in Bedford, PA.

### **SUPERVISORS/STAFF COMMENTS**

Emma Smith asked where the milling will occur on Bethlehem Pike. Mr. McAnally stated Rt. 309 to Butler Pike, Upper Dublin.

Mr. Paccione stated he attended Dr. Owens Retirement dinner and presented her with the Lower Gwyndd Township proclamation.

There being no further questions or comments, the meeting was adjourned at 9:40 p.m. until the next Regular Meeting scheduled on April 11, 2017 at the Lower Gwynedd Township Building.

Respectfully submitted,

Carole Culbreth  
Assistant Secretary