

August 17, 2016

The Business Meeting of Lansdale Borough Council was held on Wednesday, August 17, 2016 in the Council Chambers, 1 Vine Street, Lansdale, PA and called to order at 7:06 pm by Council President Denton Burnell.

ROLL CALL:

- (X) Councilman Angelichio
- (X) President Burnell
- (X) Councilwoman Hawkins Charlton
- (X) Councilman DiGregorio
- (X) Vice President Fuller - vacation
- (X) Councilman Hansen
- (X) Councilman Malagari
- (X) Councilman VanDame
- (X) Councilman Work
- (X) Mayor Szekely

Borough Representatives:

Borough Manager, Jake Ziegler
Interim Finance Director, John Crawford
Asst. Borough Manager, John Ernst
Parks & Rec. Director, absent
Electric Superintendent, Andy Krauss
Public Works, absent
WWTP Superintendent, absent

Borough Solicitor, Sean Kilkenny
Borough Engineer, absent
Lieutenant Alex Kromdyk
Library Director, absent
IT/GIS Coordinator, Bryan Poster
Cust. Svc/Records Mgr., Pat Chapman

Residents:

Nancy Frei – Cypress Street
Rose Chapman – W. Mt. Vernon Street
Bill Allen – York Avenue
Bob Willi – 711 W. Fourth Street
Bruce Schwartz – 59 Oak Drive

Agenda Item #5 – President’s Comments

President Burnell – An Executive Session was held earlier this evening related to four potential litigation matters. They are MCCP Docket No. 2016-14896 (Lansdale United Methodist Church), MCCP Docket No. 2010-33890 (708 N. Valley Forge Rd.), MCCP Docket No. 2010-33887 (349 W. 6th St.), and MCCP Docket No. 2011-31158 (762 E. Main St.). There will be action on all four items this evening.

There have been many Facebook conversations in the last week or so and at times they have gotten heated but he does appreciate the forum about the infrastructure discussions. Our meetings are the place for residents to voice their opinions. Council is always willing to listen and always take what residents have to say into consideration and possibly make changes if needed or possible. Sometimes things move at a slow place and other priorities are taken care of first, but Council does want to hear what residents have to say.

Agenda Item #6 – Presentation – **Business of the Month Izu Sushi** presented by Mark Ladley

- Izu Sushi is located at 322 ½ W. Main Street and over the last two years they have brought a new look to the downtown.

- Shirley and John Jiang have owned and operated the restaurant for the last year. John came to the United States from China in 2001 and Shirley followed in 2006.
- John has worked for over 20 years in kitchens in China and Manhattan before coming to Lansdale. They moved to Lansdale because of its close vicinity to Philadelphia and our wonderful school district.
- They serve fresh sushi as well as cooked options and Asian Fusion cuisine such as Thai, Japanese and Korean options. The food presentation is like a work of art and is delicious too.
- To Shirley and John, all of their guests are special and they are so welcoming as you walk through the door. They make and serve their food from the heart.

Wissahickon Valley Watershed – Laurie Grant & Lindsay Blanton

Their presentation is attached to the end of the minutes.

- The Wissahickon Valley Watershed is working on the Wissahickon Clean Water Partnership.
- This is a landmark initiative for municipalities to take control of their own model with neighboring local municipalities.
- Many people don't know that the creek is impaired and has a water quality and quantity issue.
- Every time it rains, run off from the streets, yards, etc. goes straight to the creek and the rain runoff picks up everything along the way such as trash, oils, chemicals, etc. The creek receives the water too quickly due to a lack of natural buffers which can cause problems.
- Over 1,000 people have signed a petition to clean the Wissahickon Creek.
- In 2003, the Wissahickon Creek got TMDL's for nutrients and sediments and last year the EPA added phosphorus nutrients to the TMDL. Many municipalities raised questions when they received the updates and felt they were too stringent. The DEP and EPA have agreed that municipalities can work together to create their own plan, but the plan must be approved by them.
- This partnership is an alternative to the given TMDLs from the EPA. All municipalities will have to implement something and with this agreement the Borough can decide what they want to implement based on what works best for the Borough.
- DEP & EPA are finally realizing that it is better to have municipalities work together.
- Their tag line will be "Own the Solution." It will be a hard planning process but a good process too. They are asking for a two-year commitment from the Borough.

Councilman Van Dame – The Borough sits between three different creeks and we have developed some plans for the other creeks. Can we apply some of those to this plan?

Ms. Grant – This is a new process and we may have to look further than phosphorus and sediments such as tree coverage, temperature, etc. This is something that is happening all over the country.

Ms. Blanton – We will not be duplicating the other TMDLs.

Mr. Liberto – Is the cost of legal covered in the yearly commitment?

Ms. Grant – Yes, it is and for continued work on the plan as well. If we don't come up with our own planning process we will have to implement the current plan and that one is very stringent.

Ms. Fritz – Can you clarify the cost to the Borough again?

Ms. Grant – The Borough would pay \$6,250 per year for two years. This is a small percentage of what this project will actually cost.

Ms. Blanton – The William Penn Foundation will be contributing \$1.2 million for this project which is helping to keep the cost down to the municipalities.

Mr. Allen – Why are some municipalities writing support letters and not participating?

Ms. Grant – The creek runs through those municipalities at 1% or less and they don't feel that it is cost effective for them to participate financially.

Mr. Allen – What and how is it determined on who gets a say in the implementation of a plan?

Mr. Grant – One person from each municipality will be at the table to work on the plan.

Mr. Allen – Will there be any kind of structure for the meetings when finger pointing starts?

Ms. Grant – We hope that doesn't happen. When the group meets they will have to decide how things like that will be handled as a group.

Mayor Szekely – What percentage geographically of the creek is in the Borough?

Ms. Blanton – She thinks about 13% of the creek is in the Borough.

Resident - Does any of the work that the Borough currently do for run-off be applied to this new plan?

Ms. Blanton – That is a tricky question. The EPA may recognize some current practices but not all of them. We don't know at this point.

Agenda Item #7 – Petitions

None

Agenda Item #8 – Residents to be heard on any item

Ms. Frei of Cypress Street – She has been seeing some negative comments on Facebook about the Hometown Hero banners and that not all the banners are up yet. She gives the Scheurings a lot of credit for doing this project and the Borough for putting them up on the poles.

Ms. Chapman of 316 W. Mt. Vernon Street – The overlay district near Third and Walnut is not a good thing for that area and the possible upcoming project there won't look good. We have a lot of stores to fill up in town before we do any new retail spaces. Thank you Anne and Ed for the Hero banners.

President Burnell – I understand what you are saying about the overlay. The approval that Council voted on does not mean that anything will be built in that area. There are so many steps to go through for the possible apartment building that it may not get that far.

Agenda Item #9 – Action Items

Councilman Van Dame presented Motion #1 and read as follows:

I move that Borough Council authorize the Borough Solicitor to monitor the proceedings No. 2016-14896 (Lansdale ZHB vs. Lansdale United Methodist Church) for the purpose of keeping Council apprised of the proceedings.

Mr. Kilkenny – The Zoning Hearing Board denied the church’s request for a variance regarding the sign. They have appealed to the Montgomery County Court of Common Pleas. Council can choose to support the Zoning Hearing Board’s decision, choose to stay out of it or send someone from the Solicitor’s office to monitor the proceedings. We will not be advocating for a particular settlement or not. That is what this motion reflects.

Mr. Allen of York Avenue - What is the Borough getting out of paying Sean’s office to attend the proceedings?

Mr. Kilkenny – We will report back to Council and if Council so chooses they can intervene or if there is a further appeal in the Commonwealth Court we are apprised of the situation.

Mr. Cory Brown of 206 Valley Forge Road – What transpired that got us here? I thought Council approved the sign and how is that sign different from the one associated with the catholic church?

President Burnell – Council originally opposed the sign but we withdrew our opposition. Lansdale United Methodist Church is appealing the Zoning Hearing Board’s decision to not grant them a variance to allow the sign in the downtown business district—which is where they are located.

Mr. Brown – What is Council opposing about the sign?

President Burnell – It is the location based on the ordinance.

Roll Call Vote:

Vice President Fuller – absent
Councilman Malagari – yes
Councilman Van Dame – no
Councilman Work – yes
Councilman DiGregorio – yes
Councilman Hansen – yes
Councilman Angelichio – yes
President Burnell – yes
Councilwoman Hawkins Charlton - no

Motion seconded by Councilman DiGregorio and approved 6-2.

Mr. Kilkenny – The owners of the properties for Motions #2, #3, and #4 were not happy with their property assessments and they appealed through the courts in Montgomery County. The court lowered their assessments and the school district, county and borough all have to refund some taxes paid by the owners. The school district has the largest financial burden since they have the largest tax burden. If Council so chooses, we can appeal but you will then have to pay an appraiser to appraise the three properties, appeal in court three times and pay his office to fight the appeals which would cost more money than the refunds.

Councilman Van Dame presented Motion #2 and read as follows:

I move that Borough Council authorize the Borough Solicitor to sign the Settlement Stipulation in the matter of Kenilworth Investment Associates LP vs. Montgomery County Board of Assessment Appeals, et. al which will mark the assessment appeal for the property located at 7349 W. Sixth Street settled, discontinued and ended and reduces the 2012, 2013, 2014, 2015

and 2016 assessment for the property resulting in a Borough refund to the property owner in the amount of \$4,240.00.

Motion seconded by Councilman DiGregorio and unanimously approved.

Councilman Van Dame presented Motion #3 and read as follows:

I move that Borough Council authorize the Borough Solicitor to sign the Settlement Stipulation in the matter of Oakland Realty vs. Montgomery County Board of Assessment Appeals, et. al which will mark the assessment appeal for the property located at 762 E. Main Street settled, discontinued and ended and reduces the 2013, 2014, 2015 and 2016 assessment for the property resulting in a Borough refund to the property owner in the amount of \$3,671.00.

Motion seconded by Councilman DiGregorio and unanimously approved.

Councilman Van Dame presented Motion #4 and read as follows:

I move that Borough Council authorize the Borough Solicitor to sign the Settlement Stipulation in the matter of Twin Pines Associates vs. Montgomery County Board of Assessment Appeals, et. al which will mark the assessment appeal for the property located at 708 N. Valley Forge Road settled, discontinued and ended and reduces the 2012, 2013, 2014, 2015 and 2016 assessment for the property resulting in a Borough refund to the property owner in the amount of \$1,914.00.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Van Dame presented Motion A and read as follows:

I move that Borough Council approve the Treasurer's Report for the month of July, which shows the expenditures listed on the attachment.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Van Dame presented Motion B and read as follows:

I move that Borough Council approve the bills \$1,000.00 and over as per the attachment.

Councilman Hansen – There are Wisler Pearlstine bills for Madison Lot, Liberty Bell Trail and SEPTA. Will the borough get any kind of reimbursement?

Mr. Ziegler – These costs are related to grants that the Borough has received so there will not be reimbursements.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Van Dame presented Motion C and read as follows:

I move that Borough Council approve the following meeting minutes:

Work Session: July 6, 2016

Business Meeting: July 20, 2016

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Van Dame presented Motion D and read as follows:

8/17/2016

Business Meeting

Page 5 of 8

I move that Borough Council approve a Consulting Services Agreement with the Local Government Management Services, LLC for the provision of an Interim Finance Director, and that the Council President and Borough Secretary be authorized to sign the agreement.

Motion seconded by Councilwoman Hawkins Charlton and approved 6-2 with Councilman Hansen and Councilman Angelichio voting no.

Councilman Van Dame presented Motion E and read as follows:

I move that Borough Council adopt attached Ordinance 1891 approving an intergovernmental agreement for the preparation of an alternative TMDL Plan for the Wissahickon Creek Watershed and authorizing the appropriate Borough officials to execute the intergovernmental agreement.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Van Dame presented Motion F and read as follows:

I move that Borough Council adopt attached Resolution 16-24 authorizing, empowering and directing the proper officers of the governing board to appoint a liaison between it and Berkheimer, the duly appointed collector of local taxes for the district, for the express purpose of sharing confidential tax information with the district for official purposes.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Angelichio presented Motion G and read as follows:

I move that Borough Council adopt attached Resolution 16-25 granting preliminary and final subdivision plan approval for the subdivision of a tract of land located at 200 Hatfield Street.

Motion seconded by Councilman Van Dame and unanimously approved.

Councilman DiGregorio presented Motion H and read as follows:

I move that Borough Council authorize payment in the amount of \$91,800.00.00 to Powergrid Solutions, Inc., for the supply of 15,000 volt vacuum switchgear for Lion Substation per the recommendation of Utility Engineers PC, consulting engineers for this project. This project will be funded through the Capital Reserves Fund.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Work presented Motion I and read as follows:

I move that Borough Council authorize the closure of Madison Street from Main Street to North Wood Street from 5:00pm to 10:00pm for the 6th Annual Lansdale Cruise Night on Saturday, September 17, 2016 with a rain date of Saturday, September 24, 2016. In addition, authorize the use of Railroad Plaza from 5:00pm to 10:30pm. This even is contingent upon the Borough's receipt and approval of required Certificate of Insurance.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Malagari presented Motion J and read as follows:

I move that Borough Council award the contract for the 2016 Roadway & Utility Rehabilitation Project, Base Bid and Alternate #2 to SJM Construction Company, the lowest responsible bidder per the recommendation of Remington, Vernick, & Beach, engineering consultants for this project. Alternate #2 will be funded by North Penn Water Authority.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Malagari presented Motion K and read as follows:

I move that Borough Council approve the attached addendum to the purchase and sale agreement previously agreed upon by Council on June 15, 2016 with MEH Investment for the purchase of 311 West Main Street.

Mr. Kilkenny – MEH decided not to purchase the property adjacent to 311 W. Main Street and their original proposal included both buildings. This addendum does not make the purchase of both buildings contingent on the Borough accepted their purchase proposal.

Mr. Bob Willi of 711 W. Fourth Street – Is the building next door still vacant?

President Burnell – He doesn't know about that.

Mr. Bruce Schwartz of 59 Oak Drive – Why was that part of the original deal?

President Burnell – In his opinion it made the deal to purchase 311 W. Main Street more appealing to include both properties.

Motion seconded by Councilman Angelichio and unanimously approved.

Item #10 – Information Items

Mayor's Report: Mayor Szekely

1. Attended by the North Penn Commons leadership breakfast on August 4.
2. There has been an outpouring of support for Lansdale's Police Department in our community. We have a great Police Department.
3. Sgt. Miller worked at the St. Stan's Festival this year and spent much of his time talking to the young adults there and taking selfies with them which the LPD posted on their Facebook page.
4. If you know anyone who has done community service and is worthy of receiving a Lansdale sweatshirt let me know.

Solicitor's Report: Sean Kilkenny

1. Assisted with several Right-to-Know requests.
2. Working on the land development for 123 Chestnut Street.
3. Working on land development for a business in the building next to Stove and Tap.
4. Worked on the agreement for the interim finance director.
5. Provided the resolution for 200 Hatfield Street at tonight's meeting.
6. Provided the legal notice for the sale of Borough personal property on Municibid.

Borough Manager's Report: Jake Ziegler

1. We have an interim Finance Director, John Crawford, who will work with staff to keep all things financially on track while we look for a permanent Finance Director. John retired last year from Upper Moreland Township and has worked in municipal government for over 30 years.
2. There have been questions posed to the Police Department and to Code Enforcement regarding RV's being parked on Borough streets and causing safety concerns. The LPD

will start issuing warnings on the RVs and will allow a reasonable amount of time to move the vehicle. There is an ordinance in effect regarding RV parking and this does affect neighbors and the quality of life in the Borough.

3. He is looking forward to seeing everyone at Founders Day in a couple of weeks.

Mr. Brown– Does this warning include trailers?

Mr. Ziegler – Yes, the ordinance does include class 1 and 2 vehicles which includes trailers.

Councilman Work – We voted tonight to have John as an interim Finance Director. Will we be developing a process to be followed when we hire a permanent director?

Mr. Ziegler – We are using LGMS to help us assist in searching for a Finance Director and an HR Director. We are not adding more employees since Mr. Shapiro resigned and we had another person in the office retire. The head count will be the same.

Councilman Work – Will there be another motion to enter into another agreement with this firm to enter into the search for a permanent finance director?

President Burnell – Yes.

Councilman DiGregorio – I thought that motion was to approve.....

President Burnell – That motion has to do with Mr. Crawford, not the actual search.

Comments for the good of Council:

Councilwoman Hawkins Charlton - We will be hosting our second Civics 101 class this fall. September 20 will focus on the Police Department, September 27 focuses on Borough government and October 4 focus is District Court which will be held in Judge Levine's courtroom.

Agenda Item #11 – Old Business

None

Agenda Item #12 New Business

None

Meeting adjourned at 8:22pm.



Wissahickon Clean Water Partnership

August 17, 2016

History of the Alternative to the Phosphorus TMDL efforts

- EPA & DEP presented the idea of developing an alternative TMDL to the stakeholders
- PEC took initiative to secure \$1.2 million from the William Penn Foundation to support project
- Under PEC, the Wissahickon Clean Water Partnership is a grant-funded team to assist the permittees in planning and completing the Alternative TMDL Plan.

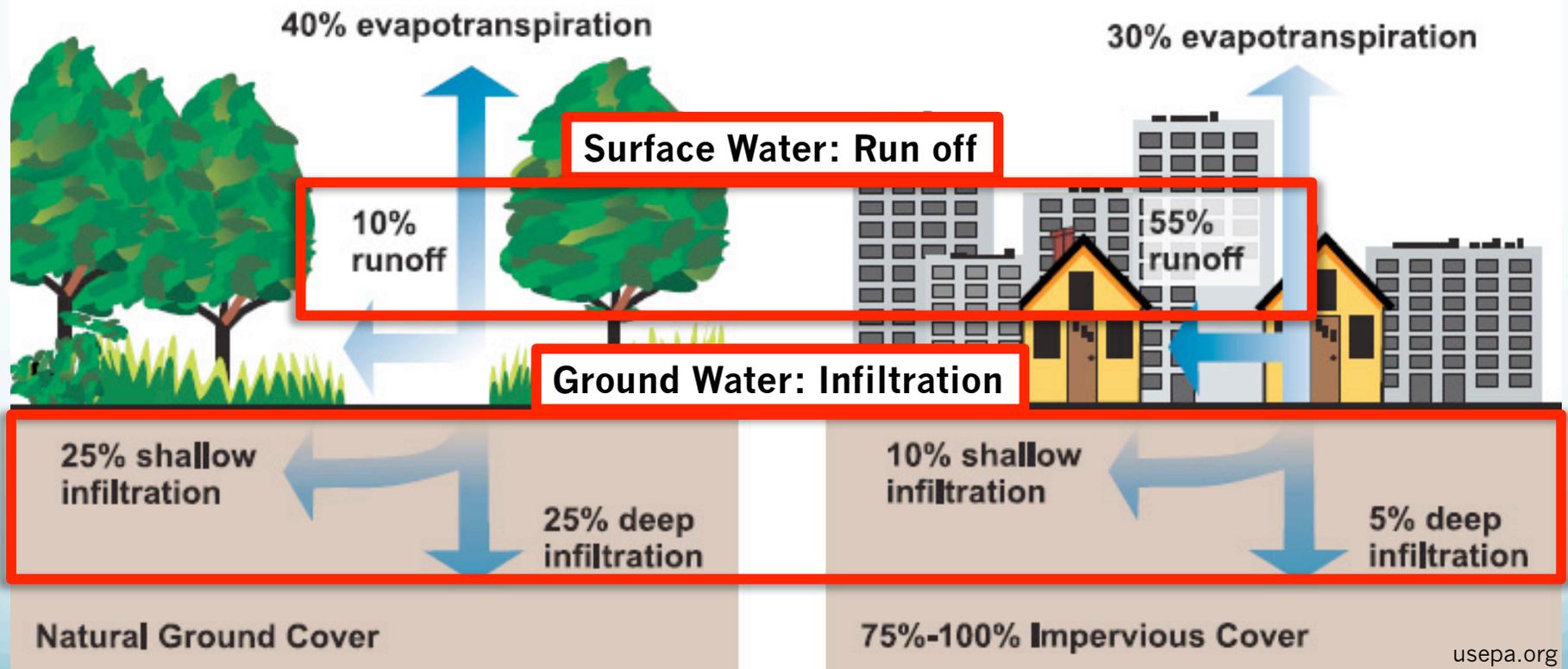
Wissahickon Clean Water Partnership Team

- PEC
 - Patrick Starr
 - Sue Myerov
 - Paul Racette
- WVWA
 - Rick Collier: Board Chair
 - Laurie Grant
 - Rea Monaghan
 - Lindsay Blanton
 - Gina Craigo
 - Dennis Pennington
 - Hatcher Group
- Temple
 - Lynn Mandarano
 - Rick Fromuth
- EFC
 - Dan Nees
 - Jen Cotting
- MCPC
 - Drew Shaw
 - Jon Leshner

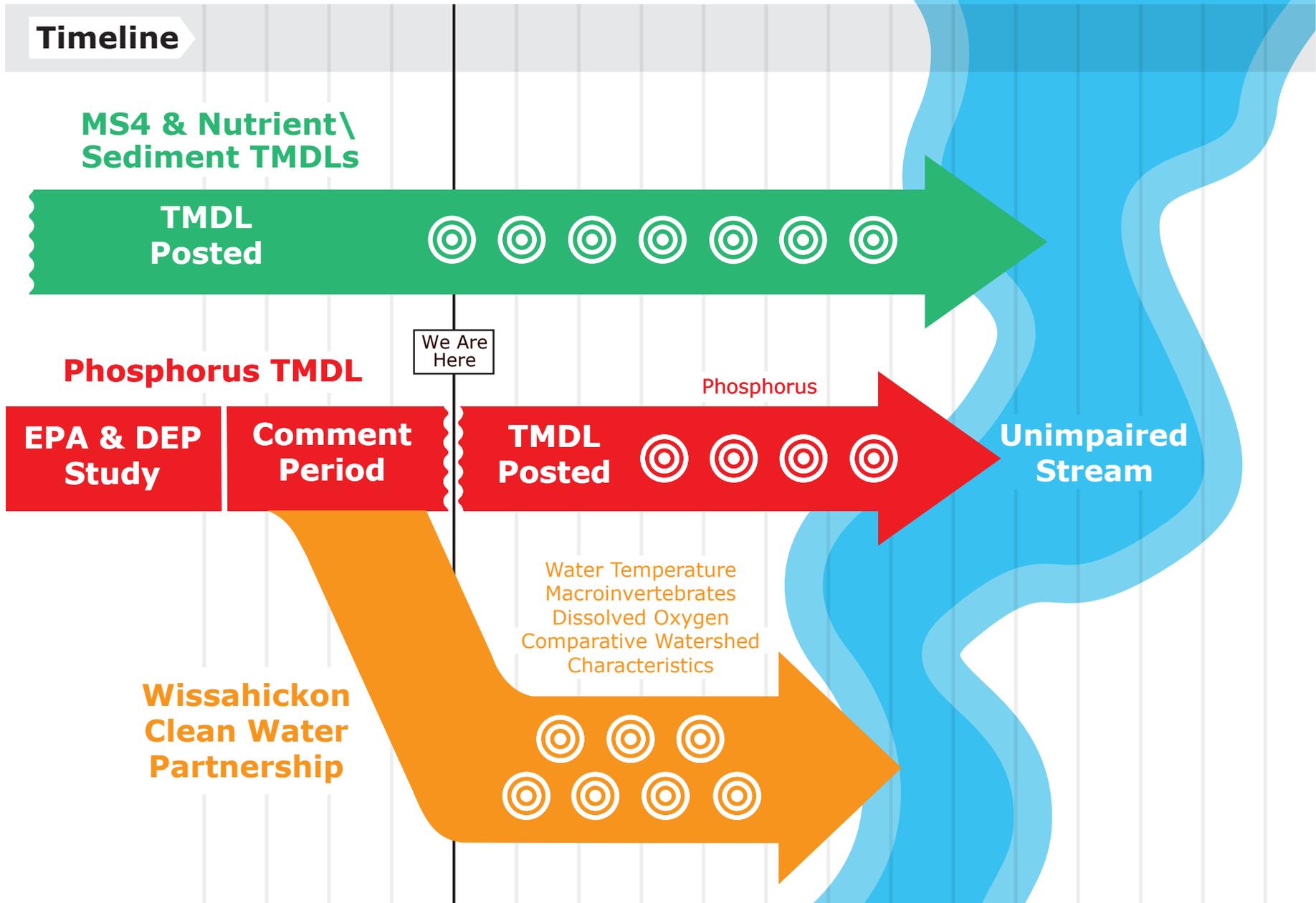
Development impacts: Water quality and quantity

Natural system

Urban system



What Is The Alternative To The Phosphorus TMDL?



SWOT Analysis

Strengths

- Saved costs
- Shared resources
- Partnership support
- Equal voice
- **Planning costs = \$6,250/year (reduced)**
- **Implementation costs (shared approach)**
- **Implementation time frame (own your plan)**

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W

Weaknesses

- Equal voice = equal payment
- Planning costs = \$6,250/year
- Implementation costs
- Implementation time frame

Opportunities

- **Own the Solution!**
- **Chart new territory**
- **Flexibility from DEP/EPA**
- Work to restore Wissahickon
- Mitigate damaging flooding
- Protect fish and wildlife
- Return public recreation areas
- Improve drinking water quality

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Threats

- Mandate from EPA/DEP
- New territory – unclear path
- Further damage to creek due to new guidelines
- Potential stormwater fees

Own The Solution

- Unprecedented opportunity
- Bottom up independent approach
 - Not imposed by US EPA and PA DEP
- Equal vote = control throughout process
- Clean creek = happy healthy communities

Intergovernmental Agreement Timeline

- July 31st deadline to pass the IGA
- Key commitments of IGA
 - 2-3 year planning process
 - \$6,250 per year per municipality
 - Equal vote
 - Wissahickon Clean Water Partnership team support
 - Management committee
 - Legal Services