

UPPER HANOVER TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES

Tuesday, April 12, 2022

The Regular Meeting of the Upper Hanover Township Board of Supervisors was called to order at 7:00 PM at the Upper Hanover Township Municipal Building, 1704 Pillsbury Road, East Greenville, PA 18041. Present were Chairman Steven R. Rothenberger, Vice-Chairman Ben Fiorito, Assistant Secretary Dorothy Diehl, member Stefan Laessig and member Timothy Woodward. Other officials present were Solicitor Joseph Bresnan, Engineer John Weber, Fire Marshal Shawn Shade and Township Manager Anne W. Klepfer.

Citizen Comments (Non-Agenda Items)

Mr. Cliff Weber of 3250 Fennel Road in Upper Hanover Township addressed the board regarding the elected tax collector Mr. Matthew Kells. Mr. Weber asked if there was any follow-up to his request for Board action regarding the status of Mr. Kells' residency.

Mr. Bresnan summarized his conversations with Mr. Kells in which Mr. Kells stated he still lives in Upper Hanover Township but does own additional properties outside of the Township at which he stays from time to time. Mr. Bresnan said that the only way to attempt to remove a seated Elected Tax Collector is by Impeachment at the State level. It would be difficult, although not impossible, to start such proceedings, and it would be very expensive for the Township. Mr. Bresnan also shared that Mr. Kells intends to resign from his position as Tax Collector, most likely prior to the end of his term.

Steve Harner of 769 Gravel Pike made public comments regarding the composition of the Board and the fact that the Board did not approve the DeMeno Rezoning Application that was heard earlier this year. He accused the Board of "making up" standards for the existing Rooftop Solar Panel Installation Guidelines that were adopted when there were none in the UCC and that the guidelines were developed by the Planning Commission with assistance from the former Fire Marshal.

Approval of Minutes – March 8, 2022, Regular Meeting

Mr. Fiorito **moved** to adopt the March 8, 2022, Meeting Minutes. Mr. Laessig **seconded** the motion which was **approved unanimously**.

Monthly Invoices

1. Previously Paid Bills. Mr. Woodward **moved** to approve previously paid bills and the Monthly Bills List for April. Mr. Fiorito **seconded** the motion. **Approved unanimously**.

Monthly Reports

Mrs. Klepfer asked to enter the Treasurer's Report, The State Police Report and the Building Inspection Report into the Record. Fire Marshal and Emergency Management Coordinator Shawn Shade introduced himself to the Board and read his monthly written report for the record.

Special items – No Special Business

June 14, 2022 Minutes Amend the April 12, 2022 Minutes to reflect that the Kershner Subdivision, 65 dwelling units in Red Hill Borough with open space in Upper Hanover Township, Request for Waiver of Land Development for the Open Space portion of the project in Upper Hanover Township was approved with conditions by motion of Stefan Laessig, second by Tim Woodward and by a unanimous 5-0 vote. The conditions are: signage and a rope line demarking the end of the development/open space along the northern/western property line; a note on the Record Plan and a written disclosure included in the HOA Declarations indicating the proximity of the Gun Club property; a physical barrier at the termination of the former R.R. right-of-way (Perkiomen Trail) at the north western property line; a note on the Record Plan indicating that the Open Space is to be owned and Maintained by HOA and that it is deed restricted from further subdivision.

Planning and Zoning Matters

1. **Public Hearing** for Reihman Agricultural Security Area Application – 1056 Reihman Road in Marlborough Township was opened at 7:16 PM. Mr. Bresnan presented the application to the Board of Supervisors and reviewed the Exhibits List. The application was recommended for inclusion/approval by the Township ASA Board and by the Montgomery County Farmland Preservation Planner. Mrs. Diehl **moved** to Adopt Resolution No. 2022-31 approving the Reihman Application for inclusion into the Upper Hanover Township Agricultural Security Area. Mr. Laessig **seconded** the motion and the **motion carried 5-0**.
2. **802 Gravel Pike—Acorn Lofts Text Amendment Application.** The Planning Commission completed their review of the Zoning Amendment proposed by the applicant and recommended approval by the Board of Supervisors.

Action: Ben Fiorito **moved** to authorize scheduling a Public Hearing for consideration of adoption of the proposed Zoning Amendment. Mrs. Diehl **seconded** the motion. **The motion carried by a vote of 5-0.**

3. **Wawa Application for Transfer of a Liquor License.** Stefan Laessig **moved** to authorize advertising a Public Hearing for May 10, 2022. The motion was **seconded** by Tim Woodward and was **approved unanimously**.
4. **Zoning Hearing Board Application Wassmer Ventures/Artisan Display, 1239 E. 6th Street** for Special Exception to expand existing non-conforming structure and several dimensional variances for side yard setback. **Supervisors declined to intervene or to take a position.**
5. **Zoning Hearing Board Application for 1050 Mill Road (Peter Longwell)** for use-variance for commercial use and a variance for more than one use on a property in the R1 Low Density Agricultural. **Supervisors were unanimously opposed to this application and authorized a letter to be sent to the Zoning Hearing Board expressing their opposition to the application due to a lack of lawful hardship and lack of specificity regarding the use.**
6. **Rooftop Solar Panel Zoning Requirements.** Stefan Laessig **moved** to authorize the Solicitor to prepare a zoning amendment to repeal the Township’s regulations for rooftop solar panel installations that are inconsistent with the 2018 IRC as adopted by the Commonwealth of Pennsylvania’s Uniform Construction Code. The motion was **seconded** by Mrs. Diehl and was **approved 5-0**.

Note above:

Informational Planning and Zoning Items – No Action Taken

1. **Age Restricted Zoning Overlay Zoning Amendment** – Public Hearing is May 10, 2022
2. **James & Melissa Dontonville Application to ZHB** – Application Received
3. **Jason L. and Sherry Scheick ASA Application**– Application Received.

Committee Reports

1. **Budget and Finance Committee:** Nothing to report
2. **Personnel Committee:** Nothing to Report
3. **Open Space, Parks & Recreation Committee:** Mr. Laessig said the Park and Recreation Committee is working on a Policy for Reservation of the ball fields to use going forward

following the increased interest in the fields. Members of the Park Board are also working with Supervisors on formalizing paths that lead to the creek. The Board discussed the application for use of Camelot Park to conduct for profit Yoga Classes. The Park and Recreation Board is not in favor of setting any precedent for commercial use of the park. The Board discussed other options of how a public-private partnership might work to allow Yoga in the Park. Mr. Laessig said he would re-discuss it with the Park and Recreation Board. Mr. Laessig clarified that the Budget anticipated paving of the Parking Lot at Camelot Park but the Park Board recommends paving at least part of the Macoby Run Park. The Board said they would consider this since the Camelot Parking Lot paving work may be delayed due to the use of it for staging equipment and supplies for the Stream Restoration project.

4. **Regional Planning Commission Report:** Mr. Kalb's written report was submitted. The committee is still working on finalizing the results of the community survey that was conducted.
5. **Sewer and Water Committee:** Mr. Fiorito noted that TUHA is working with the Kershner Tract SALDO applicant on providing sewer to 65 units located in Red Hill Borough.
6. **Bridge and Road Committee**
 - 1) Ben Fiorito **moved** to approve the purchase of a trailer from Best Choice Trailer for \$18,995. Motion was **seconded** by Tim Woodward and **approved 5-0**.
 - 2) Tim Woodward **moved** to approve the purchase of 80" Brushcat/Rotary Cutter, a Pallet Fork-Frame and a Sweeper/pickup broom attachments for the existing Bob Cat Skid Steer. The motion was **seconded** by Dottie Diehl and was **approved 5-0**.
 - 3) Tim Woodward **moved** to approve an estimated contract of \$315,250 to Asphalt Maintenance Solutions for Ultra-Thin Bonded Course, Single Bituminous Seal Coat and Type II Slurry Seal in accordance with Bids opened March 28, 2022. Stefan Laessig **seconded** the motion, and it was **approved 5-0**.
 - 4) Tim Woodward **moved** to approve the Road Materials Contract to Highway Materials Inc. for #1B Aggregate, #2A Aggregate and #2B Aggregate in accordance with bids opened March 28, 2022, for Plant Pick up or Delivery. The motion was **seconded** by Stefan Laessig and **approved 5-0**.
 - 5) Tim Woodward **moved** to approve the Road Materials Contract to Highway Materials Inc. for Superpave 9.55 mm S4S-22; Superpave 9.5 mm 64E-22; Superpave 25 mm 64S-22; and Superpave 19mm 64S-22 for plant pick up to Highway Materials Inc. and delivery excepting Superpave 9.5mm 64E-22 (delivery only) in accordance with bids opened March 28, 2022. The motion was **seconded** by Dottie Diehl and **approved 5-0**.
 - 6) Tim Woodward **moved** to award the Equipment Rental with Operator contractor for Items 1-9 in the March 28th Bid Opening to Yarnall Paving Co. and the excavating machine rental bid to PK Moyer in accordance with the March 28, 2022, bid opening. The motion was **seconded** by Ben Fiorito and was **approved 5-0**.
7. Public Safety Committee – Nothing to report.

Engineer's Report

1. Ben Fiorito **moved** to authorize posting and advertising for bids for the replacement of the Otts Road Bridge. The motion was **seconded** by Tim Woodward and **approved 5-0**.

Township Manager's Report

1. Mrs. Klepfer asked if the Board would be interested in having the Montgomery County Planning Commission address the Board with an overview of their Planning Assistance Contract program. The Board is not interested at this time.

Township Solicitor's Report

Mr. Bresnan informed the Board that he has been working with the Solicitor for Marlborough Township and Mrs. Klepfer to facilitate their request to utilize the Upper Hanover Township UCC Board of Appeals members as their UCC Appeals Board to hear an appeal that they expect to be filed soon. There is no action at this time required of the Board of Supervisors; however, there is also interest in converting the Upper Hanover UCC Board of Appeals into a regional UCC Board of Appeals.

New Business

SERVICE RECOGNITION AWARD by **motion** of Tim Woodward and **second** by Dottie Diehl, the following Resolutions were **adopted unanimously**:

- A. Resolution #2022-30:** A Resolution Recognizing Stefan Laessig for Ten Years of Service on the Upper Hanover Township Planning Commission.

Other New Business

Proposals for Bridge Design Work – The Township has received two and is still working on getting additional proposals.

Electric Generation – The Authority will continue to evaluate the market each month. The current contract is good for several months still.

Adjournment

Motion to adjourn by Mrs. Diehl. **Seconded** by Mr. Laessig. **Approved** unanimously at 8:52 PM.

Respectfully Submitted,



Anne W. Klepfer

Township Secretary