

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
AUGUST 2, 2018

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, August 2, 2018, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Bill Jenaway, Carole Kenney and Tina Garzillo. Also present were: Sally Slook, Acting Township Manager; Joe McGrory, Township Solicitor and Rob Loeper, Township Planner. Supervisor Greg Waks was absent.

CHAIRPERSON'S COMMENTS:

Chairperson Philips stated an Executive Session was held prior to this meeting to discuss litigation and personnel issues.

DISCUSSIONS:

GSK TERMINATION AGREEMENT OF METHANE GAS MONITORING

John DaCosta, P.E., GlaxoSmithKline site operations director, provided background on the methane barrier system that was built in the 1990's on GSK's West Campus adjacent to what was the Montgomery County land fill. There had been a methane related explosion in one of their utility tunnels and GSK wanted to make sure they did not have any problems from methane gas migrating from the landfill.

Utilizing the aerial, Mr. DaCosta pointed out the location of the wells and the central utility plant. He said while reports indicated there is methane gas still being detected around the outside of the 51 wells there is zero to very low levels detected at the 7 wells around the building.

In response to Mr. Philip's concern about one of the readings, Mr. DaCosta pointed out the location of the vacuum pump which is pulling all the gas. He said the reason why the 7% measurement is higher is because it is adjacent to the land fill. Mr. DaCosta indicated it is well below the level that would require action.

Mr. DaCosta stated reports show the system is working as designed and because of that GSK is asking to waive any future reporting.

Mr. Jenaway asked for the background behind the reporting. Mr. DaCosta responded there is no statutory requirement mandating the monitoring of the wells.

Mrs. Kenney asked about the ownership of the land containing the landfill. Mr. DaCosta responded GSK owns the land and the county has the obligation for ridding the waste underneath the landfill.

Mrs. Kenney asked if GSK purchased the land from the county. Mr. DaCosta responded GSK bought the land from the county in 1991. The county owns the rights and obligations for the waste in the landfill -- the methane, the leach generated and the ground water issues associated with the landfill. GSK is responsible for the cap, the top of the ground and grass cutting and because of that they now have a larger piece of property providing them with the ability to develop the other parts of the campus.

Mrs. Kenney asked who is responsible for the wells. Mr. DaCosta responded the county owns the wells, but GSK owns the methane barrier system.

Mr. Jenaway asked how the reporting obligation came about. Mr. DaCosta responded in 1991 there was an agreement between the county and GSK for installation of the system with a requirement to send reports to the township.

Mrs. Garzillo asked how difficult it was to generate this report. Mr. DaCosta responded GSK has a third party company, Weston Solutions, that comes in quarterly to pull data for a formal report.

After additional comments by Mr. Philips about the report, Mr. DaCosta mentioned the agreement will go with the sale of the property. Mr. Philips said he does not see a reason for the township to be involved at all.

Mr. Jenaway questioned the necessity of asking the township to relieve GSK of a responsibility that the township did not request nor generate since it came about as a result of an agreement between GSK and the county. He said if anyone is going to waive reporting it would be the county as being a party to the original agreement.

Mr. DaCosta asked to whom he would send the reports going forward.

Janet Serfass, MIPP/MS4 Administrator for Upper Merion Township, commented in this current situation the township has no jurisdiction to enforce anything. GSK installed the system because of an incident to protect their employees and has a vested interest to make sure it works and continues.

Mr. McGrory commented he has no idea why there was an obligation at all to send a report to the township.

Mr. Loeper commented he recalled a meeting back in 1991 that was held between GSK and the Environmental Advisory Council. He said there was some discussion that initially the first year it would be a monthly report and subsequently a quarterly report.

Ms. Serfass stated it would be helpful to see the original agreement and have the Township Solicitor review what it says and determine what, if any, liability the township has in this matter.

Mrs. Kenney asked how long ago the landfill was active. Mr. DaCosta responded late 1970's and early 1980's. Mrs. Kenney asked the nature of the land fill. Mr. DaCosta responded it is municipal waste. Ms. Serfass noted it is not hazardous waste.

Mr. DaCosta stated he would provide a copy of the 1991 agreement to the township as well a marked up drawing with the 51 wells and 7 wells.

DEVELOPMENT PLAN 3500 HORIZON BOULEVARD. ADD 32,707 SQ FT, 2-STORY BUILDING ADDITION TO EXISTING 67,293 SQ FT BUILDING. 100,000 SQ FT BUILDING WILL BE USED FOR OFFICE/RESEARCH DEVELOPMENT. 10.23 ACRES, SM-1 SUBURBAN METROPOLITAN. Plan Expiration: 10/1/18.

Mr. Loeper indicated the applicant is proposing a building addition which will be used for R&D and product testing. Since the applicant did not show for the meeting, the Board of Supervisors moved onto the next agenda item.

REVISING BOARD POLICY RE: CITIZEN BOARDS

Ms. Slook stated the current policy indicates residents are not permitted to sit on more than one citizen board at a time. It was noted at least two exceptions have been made and Ms. Slook asked if the Board of Supervisors would like to officially change the policy to allow for more than one appointment to a citizen board.

A discussion followed regarding the historical background of the current policy and the reasons for updating the policy.

Mr. McGrory indicated a policy change could be made with a motion.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to change the board policy to provide for the appointment of residents to no more than two citizen boards. None opposed. Motion approved 4-0.

Board Comment:

Mrs. Garzillo noted the Citizen Board Orientation Booklet on the website is outdated and should be deleted until it is updated.

Township Solicitor Comment:

Mr. McGrory pointed out as a quasi-judicial body Zoning Hearing Board members cannot sit on any other board.

RESOLUTION 2018-44 RE: ACCEPTING A DEED IN LIEU OF
CONDEMNATION FOR THE PROPERTY LOCATED AT 437 WEST VALLEY
FORGE ROAD

Mr. McGrory explained the resolution specifies the Board of Supervisors of Upper Merion Township desires to accept the Deed in Lieu of Condemnation for 437 West Valley Forge Road and by doing so will eliminate the need to pay transfer tax for both parties.

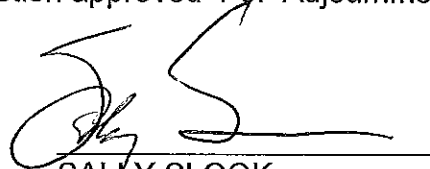
Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Garzillo to approve Resolution 2018-44. None opposed. Motion approved 4-0.

ADJOURNMENT:

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Garzillo, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 7:56 p.m.



SALLY SLOOK
ACTING TOWNSHIP MANAGER

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Minutes Approved: 8-16-18

Minutes Entered: