

**Upper Moreland Township  
Board of Commissioners - Regular Meeting  
August 3, 2020 Meeting Minutes**

**Board of Commissioners Members:** Commissioner and President, Kevin C. Spearing; Commissioner and Vice President Charles M. Whiting; Commissioners R. Samuel Valenza, Joseph A. Lavalle, Kip McFatrige, Nicholas O. Scull and Cheryl Lockard

- I. **Call to Order:** The Regular Meeting of the Board of Commissioners of Upper Moreland Township was called to order via audio conference call by the President of the Board of Commissioners, Kevin C. Spearing at 7:00 p.m.
- II. **Moment of Silent Meditation/Pledge of Allegiance**
- III. **Roll Call:** Commissioner and Board President Spearing, Commissioner and Vice President Whiting; Commissioners Lavalle, Valenza and Lockard. Absent: Commissioners Scull and McFatrige. Also present: Matthew H. Candland, Township Manager, and Sean Kilkenny, Township Solicitor.
- IV. **Presentations/Announcements:**
  - A. Commissioner Spearing announced that Commission Scull will be late to join the meeting.
  - B. Commissioner Spearing announced that prior to tonight's meeting District Justice Paul Leo administered the ceremonial Oath of Office to Andrew J. Block, Chief of Police.
  - C. Commissioner Spearing announced that at the adjournment of tonight's meeting the Board of Commissioners will hold an Executive Session to discuss legal and personnel matters.

**REGULAR MEETING**

- V. **Public Comments** - Nothing to report.
- VI. **Treasurer's Activity Report – July 2020**
  - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 5-0 (five (5) approved: Commissioners Spearing, Lavalle, Whiting, Valenza, Lockard; two (2) absent: Commissioners Scull and McFatrige), the Treasurer's Activity Report as submitted.
- VII. **Approval of Minutes - July 6, 2020**
  - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 5-0 (five (5) approved: Commissioners Spearing, Lavalle, Whiting, Valenza, Lockard; two (2) absent: Commissioners Scull and McFatrige), the minutes as submitted.
- VIII. **Committee Recommendations:**
  - A. **Finance & Administrative Committee** – The Committee recommends the Board of Commissioners take action on the following:
    1. **Appointments/Reappointments:**
      - a. The reappointment of Lisa Marsteller on the Parks and Recreation Advisory Council as an At Large representative to serve a new two (2) year term that will expire on June 30, 2022.
      - b. The appointment of Michael Davido as a Voting Member on the Police Pension Fund Committee to fill the vacancy left by Mark Drakeley and complete the

- remainder of the current term that will expire on April 7, 2021.
- c. The appointment of Craig Bald as an Alternate Member on the Police Pension Fund Committee to fill the vacancy left by Michael Davido and complete the remainder of the current term that will expire on April 7, 2021.
    - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, the above referenced reappointment and appointments.
2. **List of Bills Payable**
    - Commissioner Valenza reviewed the List of Bills Payable, made a motion, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, the List of Bills Payable, as submitted.
  3. **Aqua General Funds Bills**
    - Commissioner Valenza motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 5-0 (five (5) approved: Commissioners Scull, Lavallo, Whiting, Valenza, Lockard; one absent: Commissioner McFatridge; and one (1) abstention (abstention by Commissioner Spearing, Aqua employee), the Aqua General Fund Bills, as submitted.
  4. **Other Items**
    - a. **Motion to Approve Resolution R-2020-28** – Condemning racism and discrimination in all forms in Upper Moreland Township.
      - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, Resolution R-2020-28.
      - Commissioner Lockard read her statement in support of Resolution R-2020-28.
      - Commissioner Spearing stated his support for Black Lives Matter.
      - Commissioner Whiting referred to Civil Rights Leader, John Lewis, Emmet Till, an African American from Chicago, and the recent tragedy of George Floyd, and stated that the nation has a responsibility to uphold the rights of all human beings in truth and justice.
      - Commissioner Spearing stated that the Township, Police Department and School Board look forward to working together with the Community.
    - b. **Motion to Approve Resolution R-2020-29** – The except properties from Montgomery County 2020 Tax Upset Sale.
      - Commissioner Lockard commented concerns with the sale of properties and evictions.
      - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 4-2 (four (4) aye Commissioners Lavallo, Lockard, Scull and Whiting; two (2) nay Commissioners Spearing and Valenza), Resolution R-2020-29.
    - c. **Motion to Approve** the submission of a “Proof of Claim” on behalf of the Township regarding the Opioid Litigation against the Purdue Pharma, L.P., et al.
      - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, the submission of a "Proof of Claim".
    - d. Commissioner Valenza stated that the August 17, 2020 Finance & Administrative Committee meeting is cancelled.
  5. **New Business** - Nothing to report.

B. **Community Development Committee** - The Committee recommends the Board of Commissioners take action on the following:

1. **Code Enforcement** - Nothing to report.
2. **Land Development/Subdivision Applications**
  - a. **Motion to Approve** the \$19,500 cost design estimates and temporary construction easement and maintenance agreement for the Carson Simpson Farm Streambank Stabilization Project.
    - Dr. Lynnette Saunders, EAC Chair, inquired on the availability of the design. Commissioner Spearing replied that the EAC will be provided with an opportunity to review the concept plan and design.
    - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 5-0 (five (5) approved: Commissioners Spearing, Lavalley, Whiting, Valenza, Lockard; two (2) absent: Commissioners Scull and McFatridge), the \$19,500 cost design estimates and temporary construction easement and maintenance agreement.
    - **List of Upcoming Zoning Hearing Board Applications** - Commissioner Lavalley read one application scheduled for the August 13, 2020 Zoning Hearing Board Meeting.
  3. **Other Items**

(Commissioner Scull joined the meeting)

    - a. **Motion to Approve Resolution R-2020-30** – Granting a seasonal drive-in movie theater with conditions, to New Century Associates Group, LP for the outdoor display of motion pictures at the property located at 2000 County Line Road.
      - Commissioner Lockard commented about cars running the entire length of the movie. A representative for New Century Associates replied that the majority of people turn their cars off and some keep them running, but there have been no complaints.
      - Commissioner Lavalley commented on movie ratings in item No. 11 and proposed adding language that prohibits showing movies with the ratings of NC-17 and X. New Century's representative explained ratings and stated that it is their intent to show movies that are family oriented or classics.
      - The Committee directed the Solicitor to amend item No. 11 to include language prohibiting movies with the ratings of NC-17 and X.
      - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0, Resolution R-2020-30.
    - b. **Motion to Approve Resolution R-2020-31** – Authorizing the submission of a grant application for the 2020 round of the County Transportation Program (CPT) for road improvements at Maryland/Commerce/Blair Mill Road.
      - Commissioner Lavalley motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0, Resolution R-2020-31.
    - c. **Motion to Approve Resolution R-2020-32** – Granting the subdivision application for 4121 Blair Mill Road.
      - Commissioner Lavalley reviewed the waiver requests.
      - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0 on waivers 4(A), 4(B) and 4(E).

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- Lynnette Saunders, Chair of the EAC, commented on pedestrian safety, that sidewalks could be installed away from the tree roots, and replacement trees could be planted.
  - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners denied by a vote of 6-0, waiver request 4(C) to waive sidewalks along Blair Mill Road and Home Road.
  - Joanne Hartshorne, the applicant, inquired about a "fee-in-lieu-of" for sidewalks.
  - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners denied by a vote of 6-0, request 4(D) to waive curbing along Blair Mill Road.
  - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0, Resolution R-2020-32.
  - d. **Motion to Approve** the Betz & Lukens Stormwater Improvements.
    - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0, the Betz & Lukens Stormwater Improvements.
  - e. **Motion to Approve** the distribution of the project drawings and specifications for public bid through the appropriate portal for interested contractors to access the design documents of PennDOT's approved 2018 ARLE Grant for Traffic Signal Upgrades on Blair Mill/Horsham Roads.
    - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioner approved by a vote of 6-0, the distribution of the project drawings and specifications for public bid.
- C. **Parks and Recreation Committee** – The Committee recommends the Board of Commissioners take action on the following:
1. **Motion to Approve** the request from Friends of Boileau for the Township's contribution of \$550.00, representing 50% of the cost to install an underground propane tank.
    - Commissioner Scull motioned to table, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0, to table the request from Friends of Boileau for the Township's contribution.
  2. **Motion to Approve** the request from Friends of Boileau for the waiver of permit fees for the installation of a new heating system.
    - Commissioner Scull motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0, the waiver of permit fees.
  3. **Motion to Approve** Aqua's request for a Sample Station at Pileggi Park as part of a water quality sampling program.
    - Commissioner Lockard motioned to table, seconded by Commissioner Scull and the Board of Commissioners approved by a vote of 6-0, to table the request for a Sample Station at Pileggi Park.
  4. Commissioner Scull stated that the August 17, 2020 Parks and Recreation Committee Meeting is cancelled.
- D. **Public Health & Safety Committee** - The Committee recommends the Board of Commissioners take action on the following:

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1. **Motion to Approve** the advertisement of a public meeting to be held on September 14, 2020 to receive public comments on the Township's Fireworks Ordinance.
  - Commissioner Whiting motioned, seconded by Commissioner Spearing and the Board of Commissioner approved by a vote of 6-0, the advertisement of a public meeting to be held on September 14, 2020.
2. Commissioner Whiting stated that the August 17, 2020 Public Health & Safety Committee Meeting is cancelled.

**IX. Commissioner Comments:**

- Commissioner Whiting reminded everyone to wear masks.
- Commissioner Spearing stated that he attended the Korean War Memorial ceremony.
- Mr. Kilkenny thanked Commissioner Lavalley for his participation in the ceremony at the Korean War Memorial in honor of all who served.

**X. Visitor Comments** - nothing to report.

**XI. Adjournment:** There being no further business to discuss, the meeting was adjourned at 9:00 p.m.

Respectfully submitted by Kathleen Kristire.