

**Upper Moreland Township
Board of Commissioners - Special Meeting
February 24, 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. Moment of Silent Meditation

II. Pledge of Allegiance

III. Call to Order: The Special Meeting of the Board of Commissioners of Upper Moreland Township was called to order by the President of the Board of Commissioners, Kevin C. Spearing at 7:00 p.m.

- Commissioner Spearing announced that the Board of Commissioners met in an Executive Session prior to tonight's Special Meeting to discuss legal, real estate and personnel matters.

IV. Roll Call: Commissioner and Board President Spearing; Commissioners Scull, Lavalle, McFatrige, Whiting, Valenza and Lockard. Also present were Matt Candland, Township Manager Designee, and Alex Baumler, Township Solicitor

V. Motion to approve a Land Exchange Agreement by and between Upper Moreland Township and Abington Memorial Hospital concerning the North Willow Grove Park (NWGP) and 301 Woodlawn Avenue Properties:

- Commissioner Spearing stated that the Township made a conscientious effort to analyze the situation, which will have an ultimate impact on taxpayers. He presented site plan drawings and stated the following:
 - The Township does not intend to transfer ownership of the entire Park.
 - There is no correlation between the developments of Home Depot, Millers Ale House and Abington Asplund Cancer Center, and additional ground water.
 - The Township has substantially more open space now than when many residents grew up in the area.
 - Reduction of property values is an unfounded statement. There have been no appraisals received that reinforce depreciation of property values.
- Commissioner Spearing stated that he previously made incorrect statements and he made the following clarifications:
 - The entire NWGP, including the ballfield and the playground area, is slightly over three acres.
 - Abington Hospital owns the NWGP area where teams formerly played flag football and lacrosse, which the Hospital later used to create a parking lot for the Abington Asplund Cancer Center.
 - The Township is owner of the ballfield area up to the outfield line.
- Commissioner Spearing stated that as part of the Agreement, lighting will be installed at the second field at Masons Mill Park to enable hosting three games a night, as opposed to the NWGP field, which can only be used for one game a night. The NWGP playground equipment will be replaced and relocated, and an easement will be created across Abington Jefferson Hospital's property to gain access to the powerline trail on Maryland Road.

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- Commissioner Lockard reiterated that it is a difficult decision for the Commissioners and thanked all the residents for their time invested in this issue.
- Mike, resident of Manor Road, stated that he observed the area's commercial development and encouraged the Commissioners to vote "No". He inquired about involvement of the School District and Orphans Court.
- Mr. Baumler explained that NWGP property has a reverter clause. The Township acquired the parcel of property from the School District, which by law under School Code and the Dedicated & Donated Property Act requires that it cannot be used for anything other than a public purpose, or ownership of the parcel of land goes back to the School District. The process to remove the reverter clause must go through Orphans Court.
- Mr. Baumler further explained that the School District will hold a facility meeting and a voting meeting. Based on their decision, the solicitors will file a petition with the Orphans Court. A judge will be assigned to the case who will call a Status Conference between all parties. A Public Hearing will be arranged at a location within the Township where the transaction will be presented to the judge along with the Attorney General's office, and they will make a final decision on whether to approve the transaction.
- Mike, resident of Ellis Road, commented that residents are giving up their park while paying for improvements to another area in the Township.
- A resident inquired on when the Hospital proposed to acquire the property.
- Commissioner McFatrige stated that a proposal by the Hospital was initiated approximately two and one-half years ago, after the Township made efforts to purchase the Park.
- Mr. Baumler explained that there is a process for any real estate transaction involved with the Township.
- Bob Fattizzi, resident of 2707 Carrell Lane, commented on the Hospital's previous attempts to acquire the park, children's play options in the neighbor, and increased traffic.
- Francis Carver, resident of Davisville Road, suggested the School District undertake the matter.
- Commissioner Spearing explained that once the Township acquires ownership of the property, the ballfield will be provided to the Hospital with the requirement that they expedite environmental, open space, and other detailed improvements.
- Melissa Osbourne, resident of Lincoln Avenue, commented opposition to the proposal and spoke about overdevelopment in the area.
- Lisa Smith, resident of Carrell Lane, commented concerns about impact on her property from Home Depot and Millers Ale House that includes overgrowth of vegetation, water drainage, mosquitos, noise, trash, lack of maintenance, aggressive traffic, lighting, and safety of neighborhood children.
- William Davies, a resident of 2719 Carrell Lane, commented that there is a growing decrease of ballfields in the area.
- Jim, resident of Forrest Avenue, stated that the Korean Church should be held accountable for maintaining the former Woodlawn School property.
- Noah, resident of Carrell Lane, commented that he lives next to the NWGP where he loves to play sports, and stated that he would rather play on the grass at the Park than in the street where he can get hurt.
- Lorretta, resident of Moreland Road, commented disapproval of the Commissioners

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decision.

- Lynn, resident of Linden Avenue, commented on business development near her property, children's safety and removing their neighborhood park.
- Christopher Gilman, resident of Silver Avenue, commented that the development of Woodlawn School will bring improvements to the quality of the neighborhood, offer a safer intersection to exit the area when bicycling to work, eliminate trash and various paraphernalia.
- Vicki Kushto, Attorney at Clemons, Richtor & Reisse, P.C. representing residents of Sycamore Village, asked questions about: alternative land for the expansion, grant funding to demolish the property; consideration to build on the Woodlawn School property rather than the park; purpose of the land use; permanently protected park land; costs associated with the School District and Orphans Court; appearance of the Township Solicitor or a special counsel at Orphans Court; rezoning of the property and associated costs; timeframes in the Agreement with regards to the School District's approval, Orphans Court or rezoning.
 - Commissioner Spearing offered the following answers: alternative land was not considered; a grant is not obtainable due to environmental problems; consideration was not given to build on the demolished School site; land use is proposed to build a medical facility and garage; costs have not been discussed regarding the School District and Orphans Court; the Township Solicitor will appear at Orphans Court; the property will need to be rezoned with costs incurred by the Hospital; deadlines are not set with regard to the School District, Orphans Court or rezoning.
- Ms. Kushto stated that the residents of Sycamore Village experienced stormwater problems from the Hospital expansion and development of Millers Ale House, and they request a meeting with the Township and Abington Hospital. Commissioner Spearing stated that a meeting can be scheduled.
- Ms. Kushto stated that residents found medical waste and confidential files disposed from the Hospital into the park. Commissioner Spearing stated that the complaint was documented and relayed to the Hospital, and he will provide Ms. Kushto with the contact information.
- Ms. Kushto inquired if there are any other parks near Sycamore Village for children to access without crossing a major road.
- Commissioner Spearing stated that a pocket park will remain at NWGP, an easement across the Hospital's property will allow access to the powerline trail, and there will be a pedestrian crossing installed at Commerce Avenue.
- Ms. Kushto inquired if the Little League was consulted on the loss of the softball field.
- Commissioner Spearing stated that the Little League was not approached, but the League's representative attended the meeting held at the Asplund Cancer Center.
- Ms. Kushto inquired on the use of the land once the School buildings are demolished. Commissioner Spearing stated that it will be dedicated to open space.
- Ms. Kushto inquired if there will be a deed restriction to prevent the open space from being transferred in the future. Mr. Baumler stated that by School District Code, the reverter clause must transfer to the Woodlawn property.
- Joe Paskus, resident of 2602 Carrell Lane, requested that Commissioner Spearing consider involving a committee of residents on the matter, and he presented a petition with

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signatures.

- Maureen Kund, a resident of 2713 Sycamore Lane, stated that residents are displeased with the agreement, lack of information, open space and removal of a play area in the neighborhood. She stated that the Hospital lacks maintenance of their medical waste, dumpsters, landscaping, lighting, and drainage. Ms. Kund commented about traffic and zoning, and suggested applying for open space grants to improve the School property. Ms. Kund requested that the decision be tabled for further discussion.
- Jennifer Haring, resident of Sycamore Avenue, commented about Montgomery County's Open Space Plan and removal of the School buildings. She presented details of her baseline plan and funding options, which would involve the County.
- A resident commented that the Park's signs were removed and noticed that cleaning crews were at work on the property.
- Sandra Richmond, a resident of Sycamore Avenue, commented on the decline of green space throughout the community, uncertainty of the Hospital's building plans, and she petitioned the Commissioners to work toward a solution to create open space at Woodlawn.
- Liz, a resident of Woodlawn Avenue, commented on demolition of the School, the amount of land being exchanged, and requested that residents be involved in the Board's decision. She inquired on the re-zoning process and Commissioner Spearing stated that rezoning will occur after all conditions are met by the Hospital. She also inquired if the terms of the agreement can be renegotiated after tonight's decision.
- Mr. Baumler stated that tonight's vote by the Board of Commissioners will lock in the terms of the agreement; however, the agreement is subject to approval by the Orphans Court, who can ultimately change the terms and conditions.
- Commissioner Valenza stated that the land development process will take approximately four years, and the residents can continue to present their opinions at future meetings.
- Kristen Swaby, a resident of 2817 Blair Mill Road, commented on cut through traffic, encroaching businesses, and the children's loss of a park in the neighborhood.
- Michelle Hertz, a resident of Overlook Road, commented on the loss of a park and asked that the decision be tabled and researched further.
- Adam, a resident of Dallas Road, comment concerns that the Agreement will set a future precedent on the ability to acquire open space that is protected.
- Brian Shannon, a resident of Quigley Avenue, encouraged the Board of Commissioner's to listen to the requests of the residents.
- Krystal Paskus, a resident of Carrell Lane, commented on her children's love for the park, traffic issues, and suggested the Township buy the School to create a new park.
- Barbara Rothermel, a resident of Division Avenue, commented that the School is a problem and it would be irresponsible not to approve a plan for improvements.
- Rick Price, a resident of Vesper Lane, commented on traffic speeding through the streets while children are out playing, and that improvements need to be made to the School property.
- Pam Marler, a resident of Carrell Lane, asked about the School District's involvement. Commissioner Spearing explained that the School District will hold meetings prior to the Orphans Court. Ms. Marler stated that Home Depot and Millers Ale House has affected stormwater in the neighborhood. She requested that residents have more time and requested that the Board's decision be tabled.

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- Kierstin, a resident of Linden Avenue, inquired about her email to all the Commissioners and the Commissioners responded that her communication was not ignored. Kierstin requested that their decision be tabled. She elaborated on her personal experiences with flooding and property loss in the Township.
- Virginia, a resident, stated favor to remove the School, disagreement with the development proposal, concerned over green space, and requested to table the decision.
- Martin Fuches, a resident of 2703 Carrell Lane, requested to table the vote, read from the Upper Moreland Open Space Plan, and commended his neighbors for their work to save open space.
- Paulette, a resident at the corner of Division Avenue and Limestone Road, thanked residents for caring about their community, requested residents be involved, and stated concerns about property values.
- Ashley, a resident of Lindon Avenue, commented about unwelcome traffic, her child's safety, property values, parking for the Hospital, and taxes.
- Julie Price, a resident of Cavell Road, commented on conditions at the School, the contract, grant applications, and read her email to Commissioner Valenza.
- Ms. Haring asked Mr. Baumler to explain the responsibility of the Township Solicitor. Mr. Baumler stated that he represents the entity of Upper Moreland Township and advises the Board of Commissioners on the legality of their actions.
- Mr. Fattizzi, asked if a survey was sent to constituents for feedback and asked that the Commissioners consider the community's requests to work on alternative solutions.
- Commissioner Whiting made a motion and the Board of Commissioners approved by a vote of 5-2 to table the decision on a **Land Exchange Agreement**, (five (5) Aye by Commissioners Scull, Whiting, Lavalley, Valenza, Lockard; and two (2) Nay by Commissioners Spearing, McFatrige).

VI. **Motion to approve Resolution R-2020-12**, required for the submission of a grant application for the 2020 Round of the MontCo 2040 Implementation grant program for the Farmstead Park Stormwater Management project and the construction of sidewalks along Warminster Road:

- Commissioner Spearing motioned, seconded by Commissioner Lavalley and the Board of Commissioners approved by a vote of 7-0, **Resolution R-2020-12**.

VII. **Motion to approve a letter of support** for the Montgomery County Planning Commission's (MCPC) Cross County Trail East Feasibility Study project and the related application for funding from Delaware Valley Regional Planning Commission (DVRPC) Transportation and Community Development Initiative (TCDI) grant program:

- Commissioner Spearing motioned, seconded by Commissioner McFatrige and the Board of Commissioner approved by a vote of 7-0, **a letter of support**.

VIII. **Adjournment:** There being no further business to discuss, the meeting was adjourned at 9:35 p.m.

Respectfully submitted by Kathleen Kristire.

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