

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 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. Lavallo, 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 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, Commissioners Scull, Lavallo, McFatrige, Whiting, Valenza and Lockard. Also present were Matthew H. Candland, Township Manager, and Sean Kilkenny, Township Solicitor.

IV. **Tabled Item:**

- The Abington Land Swap Agreement - **Motion** to take from the table and open for discussion or to remain tabled with no further discussion.
- Commissioner Lockard motioned, seconded by Commissioner McFatrige to move the Abington Land Swap Agreement from the Table and open a discussion.
- Commissioner Lockard thanked residents for their responses and acknowledged their concerns. She stated that the Township continues to pursue grants for the School property. North Willow Grove Park's (NWGP) sign was removed for scheduled repairs, which happened to coincide with the timing of the Special Meeting held on February 24, 2020. Commissioner Lockard stated that the Commissioners will do what is best for the Township.
- Commissioner Whiting stated that he is concerned about his Ward 3 constituents' issues and encouraged them to voice their opinions. He asked the Commissioners to vote for the people.
- Commissioner Spearing reiterated that safety, speeding, traffic and medical waste issues should be reported to the Police. He stated that congested areas are created in the neighborhood when residents drop children off at the bus stop. He confirmed that North Willow Grove Park is not permanently preserved land and the Agreement would not hinder applying to future grant opportunities at the County.
 - Brian Shannon, a resident of Quigley Avenue, inquired about Abington Hospital master overview of the property. Commissioner Spearing stated that there is none and Mr. Shannon suggested obtaining one. Commissioner Lavallo stated that the applicant submitted a sketch plan approximately 13 months ago for North Willow Grove Park.
 - Diana, a resident of Overlook Avenue, inquired about a bid lost over the YMCA property. Commissioner McFatrige stated that the Township did not have sufficient funding and the Board of Commissioners did not support obtaining a bond or raising taxes.
 - Diana inquired about the timeline for zoning. Mr. Kilkenny explained that there is Court approval process involving the Montgomery County Court of Common Pleas with a

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

Hearing, zoning and eventually subdivision and land development approvals by the Zoning Hearing Board and then the Board of Commissioners.

- Diana suggested that the Township work with the Korean Church to submit grants for improvements to the School property and then the Township purchase the property.
- A resident inquired on the emergency response time in Sycamore Village and Commissioner Spearing replied that there should be no changes. The resident suggested researching property appraisals, and then shared her experiences relating to her personal information.
- Bob Fatizzi, a resident of 2707 Carrell Lane, inquired on the the School Board's decision and Mr. Kilkenny stated that there has been no action by the School Board because they are awaiting a decision from the Board of Commissioners. Mr. Fatizzi commented on the cost to each tax parcel.
- Martin Fuchs, a resident of 2703 Carrell Lane, commented that residents have voted against the Agreement and he asked the Commissioners to listen. He suggested that the Hospital purchase the available property located across the street instead.
- Jennifer Haring, a resident of Sycamore Avenue, asked Mr. Kilkenny the definition of permanently preserved land and discussed her findings with Montgomery County on permanently preserved land and the possibility of inhibiting future grant funding.
- Ms. Haring commented that data and statistics are missing in the Draft 2040 Comprehensive Plan, i.e. on traffic, safety, flooding, and sewer. She asked Mr. Candland for a copy of the data and statistics and Mr. Candland stated that he will meet with her to go over the Plan.
- Ms. Haring inquired about multiple zones for one area. Commissioners McFatridge and Spearing stated that the Township does not support multiple zones in one area.
- Ms. Haring commented that the inclusion of the Hospital and Bruce Goodman in the 2040 Comprehensive Plan is a conflict of interest. Commissioner Valenza stated that two developers as well as other professionals were asked to be involved to develop a plan. Commissioner Lavalley explained that the Plan is a framework for visions of the Township in 20 to 40 years and the individuals on the Task Force did not necessarily participate.
- Vicki Kushto, Attorney at Clemons, Richtor & Reisse, P.C. representing residents of Sycamore Village, clarified that there is a deed restriction that prevents transferring the property and there is a process to have it removed. She stated that there is a possibility that removing the status of permanently preserved land could happen to other parks as well.
- Beth Hoagland, a resident of 2598 Carrell Lane, commented on open space, property values, noise, lights, water and zoning issues from the development of Home Depot and various other stores. She discussed Commissioner Valenza's memo about the proposed Agreement, the bid for the Willow Grove Day Camp, the concept of a pocket park, the subdivision, funding Masons Mill Park, the easement to access the trail, and grants. Ms. Hoagland stated that she favors removing the School and asked the Commissioners to work for the residents.
- Mel, Jake, Adelynn, Sophia, Adrien and his mother, and Isabella, children from Sycamore Village made statements about keeping the Park in their neighborhood.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

- Mike Buczalla, 701 Ellis Road, discussed the tax cost savings per year to each household and suggested fund raising to save the Park.
- Commissioner Lockard stated that purchasing the School property could result up to a 2% tax increase per year for 20 years on top of other increases.
- Mr. Fatizzi requested placing the question on the ballot for the residents to vote.
- Mr. Kilkenny stated that there are limited references for a ballot referendum in Pennsylvania and purchasing a property would not be eligible.
- Maureen Kund, a resident of 2713 Carrell Lane, commented about the School District's reverter process and suggested that a deal may occur in the future to acquire another park. She discussed the following issues: problems with the Woodlawn School, reference in the 2040 Comprehensive Plan made about a floodplain next to Sycamore Village and North Willow Grove Park, greenspace, widening of Blair Mill Road, and requested adding the land swap on the ballot referendum. Mr. Kilkenny stated that a land swap cannot be added to the ballot according to State law, and he will research it as well.
 - Commissioner McFatrige responded that the Township has made many stormwater improvements over recent years to mitigate flooding.
- Jerry Fox, a resident of 2600 Carrell Lane, commented that the Hospital has made numerous attempts to acquire the Park property.
- Christopher Gillman, a resident of Silver Avenue, stated that he is in support of the Agreement for environmental liability reasons.
- A resident commented on speaking up for what is right, transparency on issues, and voting against the Agreement.
- Sandra Richman, a resident of Sycamore Avenue, inquired about tax-exempt status for the Hospital. Mr. Kilkenny stated that there have been no further discussions with the Hospital. Ms. Richman suggested that the bar should be set higher for each neighborhood to offer amenities to their population, such as a ballpark.
- Cody Guzzi, a resident of 400 Crown Street, commented that there are grants available for the removal of asbestos. He added that medical waste is an ongoing issue with the Hospital and an Agreement should not be approved until their issues are remedied.
- Chris, a resident of Burbridge Road, stated that he is experienced in fund raising, suggested the Commissioners consider ways to raise money to purchase the property with the support of elected officials and State representatives.
- A resident inquired if there are any terms in the Agreement to remediate stormwater. Commissioner Valenza stated that in 2014 the stormwater management ordinance was revised to include state-of-the-art solutions for both new developments and existing areas. The resident inquired if the Agreement includes waste management. Commissioner McFatrige stated that it will be addressed. The resident requested that a ballot referendum be created that refers to forming a new tax.
- Commissioner McFatrige commented that he has been an advocate for a recreation center or a community center, which has been rejected in the past, but that is why he favors the Agreement.
- Commissioner Whiting motioned, seconded by Commissioner Lavelle and the Board of

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

Commissioners approved by a vote of 4-3 not to table the discussion again on the Abington Land Swap Agreement (four (4) Aye: Commissioners Scull, Spearing, McFatridge, Valenza); and (three (3) Nay: Commissioners Lavelle, Whiting, Lockard).

- Commissioner McFatridge motioned, seconded by Commissioner Scull and the Board of Commissioners approved by a vote of 4-3 (four (4) Aye: Commissioners Scull, Spearing, McFatridge, Valenza); and (three (3) Nay: Commissioners Lavelle, Whiting, Lockard) the Abington Land Swap Agreement between Upper Moreland Township with Abington Jefferson Hospital and authorize the Township Solicitor to file for approvals in the Montgomery County Court of Common Pleas.
- Ms. Hoagland commented about the Hospital's stormwater issues. Commissioner Valenza stated that a water quality variance in compliance with Chapter 287 of the Township's ordinance was granted.

V. **Presentations/Announcements:**

- A. Commissioner Spearing stated that the Board of Commissioners met in an Executive Session prior to the Regular Meeting to discuss real estate and legal matters.
- B. District Justice Paul Leo to administer the Oath of Office for the following positions at the Willow Grove Volunteer Fire Company:
 - Christopher Jones, President; and
 - Charles W. Jones, Jr., Fire Chief
 - District Justice Paul Leo administered the Oath of Office and Swearing in of Christopher Jones, as President and Charles W. Jones, Jr., as Fire Chief of the Willow Grove Volunteer Fire Company.
- C. Presentation of Fire Officer Certifications to the following individuals:

<u>Fire Officer I</u>	<u>Fire Officer II</u>
Captain Brian Drennen	Chief Charles Jones
Captain Christopher Jones	
Lieutenant Timothy Focht	
Lieutenant Lauren Jones	

 - Captain John Fugelo stated that the following Officers completed a 40-hour course and he presented them with National Certifications for Fire Officer I to: Captain Brian Drennen, Captain Christopher Jones, Lieutenant Timothy Focht, and Lieutenant Lauren Jones.
 - Captain Fugelo announced that Chief Charles Jones completed a 40-hour course and he presented him with a National Certification for Fire Officer II.
 - Captain Fugelo introduced Croce "Pete" Volpe, a 50-year veteran of the Willow Grove Fire Company, and thanked him for his service and dedication to the Township.
 - Commissioner Spearing thanked the fire fighters for their service and dedication.

REGULAR MEETING

V. **Public Comments:**

- Cathleen Carver, a resident of Davisville Road, asked about Executive Sessions. Mr.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

Kilkenny explained that State law allows the Board of Commissioners or any other public body to discuss real estate, personnel, and litigation matters, because State legislature realizes that these types of sensitive topics can be discussed in private.

- Ms. Carver commented regarding pedestrian and bicycle safety on Davisville Road related to the YMCA, and stated that PennDOT communicated to her that the shoulder of the road is not intended for pedestrians or bicycles, and that property owners were uncooperative with the right-of-way to construct such facility or sidewalks. She stated that the Township Traffic Engineer included a four-foot shoulder to accommodate pedestrians, and the YMCA's Facebook stated that improvements are being made for pedestrians and bicycles. She stated that random cars and bicycles enter and go through her property, and she added that she will continue to follow up with the State on these issues.
- A resident commented about the validity of police statements and he briefly discussed his personal incident involving his son.

VI. **Treasurer's Activity Report – February 2020:** The Treasurer's Activity Report was approved by a vote of 7-0 as submitted.

VII. **Approval of Minutes – February 3, 2020 and January 6, 2020:** The minutes were unanimously approved, as submitted.

VIII. **Committee Recommendations:**

1. **Finance & Administrative Committee**

Appointments/Reappointments - The Committee recommends the Board of Commissioners take action on the following:

- a. The appointment of Moureen Wenik on the Parks and Recreation Advisory Council to fill the vacancy left by John Bethard as a Ward 4 representative, and serve a new two-year term that will expire on February 3, 2022.
 - The Board of Commissioners approved by a vote of 7-0, the appointment of Moureen Wenik on the Parks and Recreation Advisory Council as a Ward 4 representative.
- b. The appointment of Anthony Benvenuti on the Parks and Recreation Advisory Council to fill the vacancy left by Maureen Wenik as an At Large member, and serve a new two-year term that will expire on December 31, 2021.
 - The Board of Commissioners approved by a vote of 7-0, the appointment of Anthony Benvenuti on the Parks and Recreation Advisory Council as an At Large member.

Vacancies:

- a. On the Historical Commission to fill the vacancy left by Kazim Ali and complete the remainder of the current term that will expire on December 31, 2020.
- b. On the Historical Commission to fill the vacancy left by Henry Hedrick and complete a new term that will expire on December 31, 2022.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

- c. On the Historical Commission to fill the vacancy left by Paul Tkacs and complete a new term that will expire on December 31, 2022.
 - d. On the Parks and Recreation Advisory Council to fill the vacancy left by Alex Zachariah as a representative of Ward 3 and complete a two-year term that will expire on May 5, 2021.
2. **List of Bills Payable** - The Board of Commissioners approved by a vote of 7-0 in favor, the List of Bills as submitted.
 3. **Aqua General Funds Bills** - The Board of Commissioners approved by a vote of 6-0 in favor; and one (1) abstention (abstention by Commissioner Spearing, Aqua employee).
 4. **Other Items:**
 - a. **Motion to approve the advertisement of a public meeting on April 6, 2020** to consider an ordinance electing to amend its Non-Uniform Pension Plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law.
 - Commissioner Valenza motioned, seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0, the advertisement of a public meeting on April 6, 2020 to consider an ordinance electing to amend its Non-Uniform Pension Plan.
 - b. **Motion to approve the advertisement of a public meeting on April 6, 2020** to consider an ordinance electing to amend its Firefighter Pension Plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law.
 - A resident asked who they can address questions concerning the pension plan or Aqua. Mr. Candland stated that they can send questions to his attention.
 - Commissioner Valenza motioned, seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0, the advertisement of a public meeting on April 6, 2020 to consider an ordinance electing to amend its Firefighter Pension Plan.
 - c. **Motion to approve the request for an Assessment Appeal** regarding the Braccia Property located at 2935 Byberry Road.
 - Francis Carver, a resident of Davisville Road, inquired about the assessment Appeal and Mr. Kilkenny read the request.
 - Commissioner Valenza motioned, seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0, the request for an Assessment Appeal regarding the Braccia Property.
 5. **New Business** - nothing to report.
2. **Community Development Committee**
 1. **Code Enforcement** - nothing to report.
 2. **Land Development/Subdivision Applications:**

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

- a. **Motion to approve Resolution R-2020-04** – Granting Conditional Preliminary/Final subdivision approval for the lot line change between the properties located at 1880 Cathedral Road and 2804 Edgehill Road.
 - Commissioner Lavalley read each waiver and made a motion, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-04.
 - b. **Motion to approve Resolution R-2020-13** – Granting Conditional Preliminary/Final Subdivision approval for a lot line change for the properties located at 3140 Pennypack Road.
 - Commissioner Lavalley read each waiver and made a motion, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-13.
 - c. **Motion to approve Resolution R-2020-19** – Granting Conditional Preliminary/Final Subdivision approval for a minor subdivision of the property located at 1845 Byberry Road.
 - Commissioner Lavalley read each waiver and made a motion, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-19.
3. **List of Upcoming Zoning Hearing Board Applications:**
- Commissioner Lavalley read one application that will be heard at the March 12, 2020 Zoning Hearing Board Meeting at 7:30 p.m. in the Upper Moreland Township Building.
4. **Other Items:**
- a. **Motion to approve and award the 2020 Highway Materials contract** to James D. Morrissey as part of the 2020 Roadway Improvement Project.
 - Commissioner Lavalley motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, to award the 2020 Highway Materials contract to James D. Morrissey as part of the 2020 Roadway Improvement Project.
 - b. **Motion to approve and award the 2020 Milling contract** to A. Guiliani Equipment as part of the 2020 Roadway Improvement Project.
 - Commissioner Lavalley motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, to award the 2020 Milling contract to A. Guiliani Equipment as part of the 2020 Roadway Improvement Project.
 - c. **Motion to approve the \$38,500 cost proposal and scope** of the modified parking lot plan for Fair Oaks Park Basin and authorize Gilmore & Associates, Inc. to proceed with engineering designs.
 - Ms. Haring inquired about the additional cost as opposed to grant money. Commissioner Lavalley confirmed that it is an additional cost and explained that the Township has a stormwater account which is not funded by taxpayers.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

- Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, the \$38,500 cost proposal and scope of the modified parking lot plan for Fair Oaks Park Basin and authorize Gilmore & Associates, Inc. to proceed with engineering designs.
 - d. **Motion to approve the Township’s Funding Commitment of \$20,500** related to the Fulmer Heights Stormwater Management project.
 - Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, the Township’s Funding Commitment of \$20,500 related to the Fulmer Heights Stormwater Management project
 - e. **Motion to approve Resolution R-2020-14** – Authorizing the submission of an application to the Pennsylvania Department of Transportation for the installation of a Traffic Control Signal at the intersection of Easton Road and Blair Mill Road.
 - Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-14.
 - f. **Motion to approve Resolution R-2020-15** - Authorizing the submission of an application to the Pennsylvania Department of Transportation for traffic signal improvements at Blair Mill Road and Horsham Road.
 - Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-15.
 - g. **Motion to approve a proclamation recognizing the month of April 2020 as “Pennsylvania 811 Safe Digging Month”** across the Commonwealth, an initiative supported by Pennsylvania 811, a utility notification information center celebrating its 48th year of continuous service to the Commonwealth of Pennsylvania.
 - Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, a proclamation recognizing the month of April 2020 as “Pennsylvania 811 Safe Digging Month” across the Commonwealth.
 - h. **Motion to approve Resolution R-2020-18** - Authorizing Matthew H. Candland, Township Manager, as the official to execute the 2019 Multimodal Transportation Fund Grant documents and agreements, between the Township and the Pennsylvania Department of Transportation.
 - Commissioner Lavallo motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-18.
3. **Parks and Recreation Committee:** The Committee recommends the Board of Commissioners take action on the following:
1. **Motion to approve Resolution R-2020-16** - Authorizing the submission of a Keystone Grant for Upper Moreland Free Public Library’s ADA Improvements.
 - Commissioner Scull motioned, seconded by Commissioner McFatridge and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-16.
 2. **Motion to approve Resolution R-2020-17** - Authorizing the undisturbed use of 109

**Upper Moreland Township
Board of Commissioners - Regular Meeting
March 2, 2020 Meeting Minutes**

Park Avenue as a Free Public Library.

- Commissioner Scull motioned, seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0, Resolution R-2020-17.

4. **Public Health & Safety Committee:**

- Commissioner Whiting reminded the public to move their clocks forward this weekend in keeping with Daylight Savings Time.

IX. **Commissioner Comments:**

- Commissioner Scull commented on the public's reaction and discussions regarding the Abington Land Swap Agreement. Commissioner Spearing agreed and stated that the residents are passionate about their neighborhood.
- Commissioner Lockard commented that Pennsylvania is considering a resolution regarding the gerrymandered districts and explained that the legislation will create an independent commission that coordinates the districts before the next census. There are bills in both the Pennsylvania House and Senate at this time, and residents can show their support by contacting their State legislators. Fair Districts PA is working to get the legislation passed with a rally to be held on March 23, 2020 in Harrisburg.
- Commissioner McFatrige recommended residents contact State representatives and State senators to support Bill 607 regarding the use of radar to track speeding in the Township.
- Commissioner Whiting stated that tonight's meeting was a demonstration of democracy in action, as the Founding Fathers set forth actions in July of 1776.

X. **Visitor Comments:**

- Ms. Haring commented that residents of Sycamore Village deliberately congest traffic in the area of the school bus stop to slow speeding traffic.

XI. **Adjournment:** There being no further business to discuss, the meeting was adjourned at 10:45 p.m.

Respectfully submitted by Kathleen Kristire.