

**Upper Moreland Township
Board of Commissioners - Regular Meeting
May 6, 2019 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 Lavallo, McFatrige, Whiting, Valenza, Lockard and Scull. Also present were David A. Dodies, Township Manager, and Sean Kilkenny, Township Solicitor.
- IV. **Presentations/Announcements:**

Presentation of the David Hunter Heffner Award to the Upper Moreland Township Police Department, in appreciation of the Police Department's 20-year affiliation with Cody Computer Systems

 - Chief S. Michael Murphy announced the award and particularly thanked Sergeant Kelly Ruddell who was unavailable to attend. Sergeant Ruddell has been instrumental in maintaining a close relationship with Cody Computer Systems.

PUBLIC HEARINGS

CONTINUATION OF PUBLIC HEARING #1943 – 7:00 P.M. – To consider the Conditional Use Application of College Town Communities, LLC c/o 230 Fairhill Associates, LLC. Applicant proposes to construct nine (9) three-story apartment buildings at the Property:

- Commissioner Spearing made a motion seconded by Commissioner Whiting and the Board of Commissioners approved by a vote of 7-0 to reopen Public Hearing #1943.
- Public Hearing #1943 was held.
- Commissioner Valenza made a motion seconded by Commissioner Whiting and the Board of Commissioners approved by a vote of 7-0 to close Public Hearing #1943.

PUBLIC HEARING #1944 – 7:00 P.M – Ordinance #1699 – To consider amending the Upper Moreland Township Subdivision and Land Development Ordinance to address native plant species

- Commissioner Spearing made a motion seconded by Commissioner Whiting and the Board of Commissioners approved by a vote of 7-0 to open Public Hearing #1944.
- Public Hearing #1944 was held.
- Commissioner Valenza made a motion seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0 to close Public Hearing #1944.

PUBLIC HEARING #1945 – 7:00 P.M. – Ordinance #1700 – To consider amending §350-181 of the Township's Zoning Ordinance, regarding landscaping maintenance obligations:

- Commissioner Valenza made a motion seconded by Commissioner McFatrige and the Board of Commissioners approved by a vote of 7-0 to open Public Hearing #1945.
- Public Hearing #1945 was held.

- Commissioner Valenza made a motion seconded by Commissioner Whiting and the Board of Commissioners approved by a vote of 7-0 to close Public Hearing #1945.

REGULAR MEETING

V. Public Comments:

- Max Berlin, 3010 Tower Road, stated that he wrote a letter to Commissioner Spearing regarding a fire hazard on Tower Road and Cathedral Road. He had been a victim of a house fire and had served as a volunteer fire fighter for many years. Mr. Berlin researched the streets and the distances from the hydrant on Brendan Circle and the hydrant on Terwood Hill Drive. He stated that residents would benefit from the installation of a dry hydrant system that allows a pumper to sit on Terwood Hill Drive that connects to the top of Tower Road. He is awaiting an estimate from a contractor and requests that the Township install the system.
- Commissioner Spearing stated that tonight's meeting is a perfect opportunity to identify concerns and stated that the item will be discussed at the May 28, 2019 Public Health & Safety Committee Meeting.

VI. **Treasurer's Activity Report – April 2019** - The Treasurer's Activity Report was unanimously approved as submitted.

VII. **Approval of Minutes - April 1, 2019:** An amendment was made under the **PUBLIC HEARING** section to state that "Public Hearing #1943 was held and will be continued.", and the minutes were unanimously approved.

VIII. Committee Recommendations:

A. Finance & Administrative Committee:

1. Appointments/Reappointments:

The Board of Commissioners approved by a vote of 7-0, the following:

- a. The appointment of Steve Martin from an alternate member to a voting member on the Civil Service Commission, to fulfill the vacancy left by Mark T. Gallagher and complete the remainder of the current term that will expire on December 31, 2019.
- 2. Vacancy(ies):
 - a. On the Upper Moreland Historical Commission to fill a licensed real estate agent vacancy left by Donald G. Warner and complete the remainder of the current term that will expire on December 31, 2020.
 - b. On the Upper Moreland 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.
 - c. On the Civil Service Commission to fill the alternate vacancy left by Steve Martin and complete the remainder of the current term that will expire on August 7, 2023.
- 2. **List of Bills Payable** - The Board of Commissioners approved by a vote of 7-0, 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).

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4. Other Items:

- a. Motion to approve the purchase of a used 2017 4x4 Utility Vehicle at a cost of \$9,999, to assist the Parks and Recreation Department. Funds for this purchase to be taken from Capital Reserve.
 - Commissioner Lockard commented on inspection of the vehicle and noted that the price was adjusted from \$9,800.
 - The Board of Commissioners approved by a vote of 7-0 the purchase of a used 2017 4x4 Utility Vehicle at a cost of \$9,999, to assist the Parks and Recreation Department.

5. New Business - Nothing to report.

B. Community Development Committee:

1. **Code Enforcement** - Nothing to report.
2. **Land Development/Subdivision Applications** - Nothing to report.
3. **List of Upcoming Zoning Hearing Board Applications:**
 - Commissioner Lavalley read one application to be considered at the next Zoning Hearing Board meeting scheduled for May 9, 2019 at 7:30 p.m.
4. **Other Items:**
 - a. The Committee recommends a vote for the Conditional Use Application of the College Town Communities, LLC c/o 230 Fairhill Associates, LLC, subject to the conditions agreed to in the Public Hearing transcripts of April 1, 2019 and May 6, 2019. Applicant proposes to construct nine (9) three-story apartment buildings at the Property.
 - Commissioner Lavalley commented that based on the conditions identified, there is no need to delay a vote.
 - Commissioner Spearing commented that he is respectful of the neighbors and concerns over land use. He stated that this is a good fit for the neighborhood and the previous zoning would have resulted in many challenges.
 - Commissioner Whiting commented that he recommends a vote for the Conditional Use.
 - Commissioner Lavalley made a motion, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0 and one abstention (abstention by Commissioner McFatrige), the Conditional Use Application of College Town Communities with conditions.
 - Mr. Kilkenny stated that there will be a written decision within 45 days.
 - b. **Ordinance #1699** - Amending the Upper Moreland Township Subdivision and Land Development Ordinance to address native plant species.
 - Commissioner Lavalley commented that the amendments were drafted with input from the Committee, the public and the Environmental Advisory Council over a course of two years, and were discussed by Mr. Faber during Public Hearing #1944.
 - The Board of Commissioners approved by a vote of 7-0 Ordinance #1699, amending the Upper Moreland Township Subdivision and Land Development Ordinance to address native plant species.
 - c. **Ordinance #1700** - Amending §350-181 of the Township's Zoning Ordinance,

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- regarding landscaping maintenance obligations.
- Commissioner Lavalle commented that the amendments were discussed during Public Hearing #1945 and with the Township Solicitor.
 - The Board of Commissioners approved by a vote of 7-0 Ordinance #1700, amending §350-181 of the Township's Zoning Ordinance regarding landscaping maintenance obligations.
- d. **Resolution R-2019-16** – Authorizing the Township to execute a Sidewalk Maintenance Agreement with the Pennsylvania Department of Transportation (PennDOT) for the Warminster Road Bridge Project.
- Commissioner McFatridge made a motion seconded by Commissioner Lockard and the Board of Commissioners approved the motion by a vote of 7-0 to table Resolution R-2019-16. The Board directed Mr. Dodies to write a letter to PennDOT to request further discussions be held to negotiate the Township's concerns. This topic will continue at a future Community Development Committee meeting.
- e. Approval of a revised lease agreement between Upper Moreland Township and the Upper Moreland-Hatboro Joint Sewer Authority to include use of a portion of the leased premises for fire-fighting training purposes and the disposal of certain materials by the Borough of Hatboro.
- The Board of Commissioners approved by a vote of 7-0, a revised lease agreement between Upper Moreland Township and the Upper Moreland-Hatboro Joint Sewer Authority to include use of a portion of the leased premises for fire-fighting training purposes and the disposal of certain materials by the Borough of Hatboro.
- f. Proposal to perform appraisals by Indian Valley Appraisal Company for properties related to improvements at Davisville and Byberry Roads – proposed fee of \$4,500.
- Commissioner Lavalle commented that this intersection was under review at the time of sale of the Willow Grove Day Camp and the application by the YMCA to develop the property. Traffic concerns were analyzed by the Traffic Engineer and Community Development Committee. The appraisals will be funded by the YMCA from the Traffic Impact Fee Fund.
 - Commissioner Spearing commented on condemnation of the properties. Mr. Kilkenny stated that if there is a need for action a negotiation process by the Township would precede any condemnation of property.
 - The Board of Commissioners approved by a vote of 7-0 to perform appraisals by Indian Valley Appraisal Company for properties related to improvements at Davisville and Byberry Roads with a proposed fee of \$4,500.
- g. Commissioner Spearing made a motion seconded by Commissioner Lavalle directing Mr. Dodies to write a letter to PennDOT identifying the Township's dissatisfaction with comments made at the April 8, 2019 Community Development Committee meeting and request expanding the scope of the replacement of Warminster Road Bridge over the Pennypack Creek to include improvements to the streambank, road topography and sidewalks at the intersection of Mill Road.
- Commissioner Lavalle commented that the Committee will not accept PennDOT's plan until the issues on bridge elevation, as well as others, are addressed.

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C. **Parks & Recreation Committee** - Nothing to report.

D. **Public Health & Safety Committee** - Nothing to report.

IX. **New Business** - Nothing to report.

X. **Commissioner Comments:**

- Commissioner McFtridge stated that he is in favor of the Fairhill Associates, LLC project which he was unable to vote on due to business interests.
- Commissioner Spearing commented on the lack of fire protection at public events such as the June Fete and other Township properties. He also commented on the lack of a rate relief provision for installation of new water mains to address the potable water issues. Commissioner Spearing attends many PFOAs meetings and follows up on contamination levels.

XI. **Visitor Comments** - Nothing to report.

XII. **Adjournment:** There being no further business to discuss, the meeting was adjourned at 8:45 p.m.

Respectfully submitted by Kathleen Kristire.