

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

**FINANCE & ADMINISTRATIVE COMMITTEE
MEETING MINUTES**

February 25, 2008

CALL TO ORDER – Comm. Efkwitz called a meeting of the Finance & Administrative Committee of the Board of Commissioners to order at 7:00 p.m.

A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENTATIONS/ANNOUNCEMENTS: There were none.

ROLL CALL: Comm. Efkwitz took roll call. Present: Commissioner James McKenna.
Absent: Sam Valenza.

Others: Assistant Township Manager John Crawford, Catherine Harper, Township Solicitor.

APPROVAL OF MINUTES:

Comm. Efkwitz accepted the minutes of the January 22, 2008 Finance & Administrative Committee meeting into the record as submitted.

REPORTS:

Director of Finance:

There were no questions.

Tax Enforcement Officer:

Comm. McKenna asked is it true that businesses have increased by 158 in 2008?

Mr. Crawford replied they are registered businesses and that number changes each month.

Earned Income Tax Collector:

There were no questions.

Investment Activity Report:

There were no questions.

REVIEW OF FINANCIAL STATEMENTS:

Current Bills Paid:

There were no questions.

Revenue & Expense Summaries:

Mr. Crawford noted that he was asked to prepare a summary report on financial statements so that will be the first two pages of this report.

PERSONNEL:

Boards & Commissions:

Comm. Efkowitz said missing from this list is Ward 7 APA appointment. We received interest from Carmen DiCello.

Comm. McKenna said there is someone he knows who is interested in this appointment as well.

Comm. Efkowitz suggested having anyone who is interested come to the next Finance & Administration Committee to introduce themselves. We have two PRAC members whose terms expired in February from Ward 4.

Comm. Lavalley replied John Bethard agreed to continue on the PRAC, and we are looking for a replacement for Vincent Pettinato.

Comm. Efkowitz said we will move John Bethard's reappointment for action by the full Board. We have a term on the Zoning Hearing Board that expired on 2/15/08.

Comm. McKenna said he thought that the seat and who will fill the seat on the ZHB were two separate issues.

Comm. Efkowitz replied the resolution says, "To extend the existing term to the end of the year and set the date until 12/31 for future appointments. Do we appoint Kip McFatridge now and let him sit until the end of the year or does the resolution extend his term?"

Comm. McKenna said we should move Kip McFatrige's appointment to serve on the ZHB to the full Board and then decide when the term will expire.

Solicitor Harper said the resolution supposes to extend his term through 12/31/08 and someone would need to be appointed to that seat in January 2009. A decision needs to be made whether the committee recommends the appointment to be a new five-year term or extend his present term until the end of this year.

Resolution No. 2008-07:

Comm. Efkowitz said Resolution No. 2008-07 is to amend the Township Code for expiration dates of members of the Board of Commissioners to be set on December 31st of each year. So when the Board of Commissioners changes, the new Board would make the appointment to the various Boards and Commissions. This resolution deals with the Zoning Hearing Board, the Police Civil Service Commission and the Joint Sewer Authority. As it stand now, the Municipal Joint Sewer Authority's term ends on 12/31.

Solicitor Harper replied their terms expire on the first Monday in January.

Comm. Efkowitz asked that Police Civil Service Commission and ZHB also expire that first Monday in January since the intent of the resolution is to ensure that the newly seated Board gets to make the appointments and the terms expire so that we only make these appointments once.

Solicitor Harper suggested stating the terms as of December 31st with an asterisk saying extended to the first Monday in January.

Comm. McKenna suggested making Kip McFatrige's appointment to the ZHB extend through 2012, which would put us in numerical order with other terms, which will expire in different years.

Comm. Efkowitz said provided that Kip McFatrige is willing to serve on the ZHB, we will recommend to the full Board to reappoint him until 12/31/2012. We need to make the revisions to the resolution of the expiration date of 12/31/2012 and add the expiration of terms the first Monday in January.

Kip McFatrige said 2012 is when we will have an open spot, and he is willing to continue serving on the ZHB.

Comm. Spearing said the draft resolution is about redefining appointments, and all appointments should run to the first Monday in January. He thought the Board was not going to make any new appointments until this resolution passes, and January, 2009 was the start of the new appointments. The appointments for the PRAC should wait until the Parks & Recreation Committee revisits their bylaws.

Comm. Efkwowitz said the purpose for this resolution is for the three quasi judicial Boards and Commissions that consist of the ZHB, the Police Civil Service Commission and Joint Sewer Authority. The Solicitor will revise the resolution to indicate Kip McFatrige's term to expire 2012 and an asterisk will be added indicating that the expiration of term is the first Monday of January.

Comm. McKenna agreed to move the revised resolution to the full Board for action in March.

Comm. Efkwowitz agreed that we will move the revised resolution and the reappointment of Kip McFatrige to the ZHB for a term to expire 12/31/2012 for action by the full Board.

OLD BUSINESS:

Amendment to Ordinance No. 1524:

Comm. Efkwowitz said our Tax Collector, Robert Walter, asked the Board if he can begin charging a fee for duplicate real estate tax bills. He produced approximately 200 duplicate tax bills in 2007, and the postage is \$.41 for each duplicate tax bill. There are also costs for paper and labor in office to generate the tax bill. He expects the revenue to be approximately \$400 for this year. The Board has asked that a log be kept for any money received.

Comm. McKenna agreed to the amendment.

Comm. Efkwowitz directed the Solicitor to draft an amendment to Ordinance No. 1524. This item will remain in committee so we can review the amendment to the ordinance and have time to advertise it and then move it for action at our April Board meeting.

NEW BUSINESS:

Request by Upper Moreland Historical Commission to modify term expiration dates:

Comm. Efkwowitz said we have a request by the UMHC to modify term expirations to expire at the end of the year.

Jonathan deJonge, APA, commented this is for housekeeping purposes only.

Comm. Efkwowitz asked do we need to amend the ordinance?

Mr. Crawford replied yes.

Comm. Efkowitz directed the Solicitor to amend the ordinance and bring it back to committee for review.

Draft Franchise Agreement with Comcast Cable:

Comm. Efkowitz asked about the changes to the agreement.

Mr. Crawford said staff incorporated all changes that the Board wanted to see, and we should move it forward. This agreement should be re-advertised one more time.

Solicitor Harper agreed that a re-advertisement should be done before action is taken.

Comm. Efkowitz said we will move it for action at our April Board meeting, and this item should be removed from the agenda.

Proposed Lease Agreement between Upper Moreland Soccer Club and Township:

Solicitor Harper said she had a meeting with representatives of the soccer club and she drafted a revised version of the agreement. She changed the term of the agreement from 30 years to a five-year renewal term.

Comm. McKenna suggested a solvency clause where the soccer club needs to remain solvent as an organization.

Solicitor Harper said the agreement says, "The Township owns the buildings, fields and other facilities of the park and nothing in this lease is intended to alter that or to establish ownership rights to the buildings, fields and other facilities in the Upper Moreland Soccer Club (UMSC)."

Rick Mitchell, President of the UMSC, said the five-year renewal term needs to be defined better.

Comm. Efkowitz suggested a term of 30 years, but we can add that every five years the lease would be reviewed.

Mr. Mitchell said he needs to review the revised draft and speak to the other Board members about it.

Comm. Efkowitz said the reason for the long-term lease is so the soccer club can qualify for grants to erect a new soccer field.

Mr. Mitchell asked that Item 13 in the agreement that was removed regarding voluntary termination by UMSC be placed back in the agreement.

Mr. Stasio said this draft was presented to the committee for their input, and he asked that the soccer club submit any changes they would like to see. He, the Solicitor and members of the soccer club can meet again to discuss any changes to the agreement and present a more formal draft to the Board for action at a future date.

Comm. Efkowitz directed the Solicitor to make several changes to the agreement. She asked for any comments from Commissioners.

Comm. Romaniello commented the intent of the agreement is about the club house and does not talk about a new field. If the intent is to acquire a grant to build a field, then that is what the intent should reflect. She is concerned that the hours of usage for the UMSC in the agreement gives them entitlement over the other two youth organizations that use the club.

Comm. Efkowitz said there are other fields in the community where other organizations can use the field. The Director of Parks & Recreation will provide other clubs with availability either at Pileggi Park or at other soccer fields.

Solicitor Harper said she added language that it is the primary, but nonexclusive, use of the site because it is primarily for them. That is what the lease reflects, but they are not the only club who can use it.

Comm. Romaniello said she is concerned that one club is taking precedent over the field.

Comm. Efkowitz replied there are fields in the community that are available, and the intent is a mutually agreeable contract between the soccer club and Township. The intent is in recognition of their construction of the building on the site that cost \$160,000 and recognizes that they maintain the fields at their own expense. It allows the soccer club members to utilize the park facilities for the long term mutual benefit of the Township and the soccer club.

Comm. Romaniello said she is concerned that we are setting a precedent where individual sports teams, who are competing and struggling to get field time, are not being treated fairly.

Mr. Stasio replied he sends letters to the youth groups that he is getting ready to make a schedule and asks them for their requests for the upcoming year. He then schedules all facilities in Upper Moreland Township. Eighty percent of their requests are met.

Comm. Romaniello said the termination section in the agreement should read, "Upper Moreland Township may terminate this lease at any time." The part about an emergency situation should be deleted and she asked about a public hearing.

Solicitor Harper explained that the soccer club wants a 30-year lease in order to get funding to erect a field. She came up with six, five-year terms to renew and, if the situation changes, she added two clauses: the Township can use the land in an emergency; and the other is termination for cause, which means the Township can get out of the deal, but they have to give the soccer club a hearing so they can defend themselves. Otherwise it is not a lease.

Comm. Spearing said he appreciates the soccer club who does a lot for the community. He agreed the intent should reflect field development. He asked for the usage time to be cut back so there would be more time for others to use the field.

Comm. Efkowitz asked for any public comments.

Kathleen Taylor, former Board member of the UMSC, commented that we raised \$160,000 over a 10-year period and we deserve exclusive use.

Comm. Efkowitz said this item will remain on the agenda, and asked for any further comments from visitors or Commissioners. There were none.

ADJOURNMENT: 8:40 p.m.

Respectfully submitted,

S. Elizabeth Vile

