

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

REGULAR MEETING

March 3, 2008

CALL TO ORDER – Comm. Efkwitz, President of the Board of Commissioners of Upper Moreland Township called a Regular meeting of the Board of Commissioners to order at 7:00PM.

A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENTATIONS/ANNOUNCEMENTS:

Senator Stewart Greenleaf, State Representative Thomas Murt and Stacey Efkwitz President of the Board of Commissioners made presentations to retired Commissioners Mr. James Martin of Ward 6 and Mr. Richard Booth of Ward 4 for their recognition of service to Upper Moreland Township. Mr. Michael Crilly of Ward 2 was not present to receive his commendations.

ROLL CALL: David A. Dodies, Township Manager, took roll call. Present: Commissioners Stacey Efkwitz, President, Sam Valenza, Vice President, James Hotchkiss, Kevin Spearing, Joseph Lavallo, James McKenna and Lisa Romaniello. Also present was the Township Manager, David A. Dodies, and Township Solicitor, Catherine M. Harper.

PUBLIC COMMENTS NON-AGENDA ITEMS ONLY:

Jonathan de Jonge stated that there was a wonderful working session of the school board and Board of Commissioners recently. His hope is that we will move forward rapidly in implementing a TIF so that we can move forward with the redevelopment of Willow Grove.

Alice Moffett from Sleighride Road commented that they are having quite a few incidents with illegal aliens in their neighborhood and would like for the Board of Commissioners to look into the situation along with the police to find out what is going on.

Commissioner Efkwitz responded by saying that if Ms. Moffet feels concerned about a home in her neighborhood that might be violating zoning issues i.e. packing 20 people into a single family home that is designed for two or four people she should call the police chief and he will coordinate with the code enforcement officer to investigate any misuse of zoning in our residential community.

TREASURER'S ACTIVITIES REPORT:

Commissioner Romaniello made a MOTION, seconded by Commissioner Hotchkiss to approve the Treasurer's Activity Report for February 2008.

The motion was approved unanimously.

APPROVAL OF MINUTES:

Minutes of February 4, 2008 – Regular Meeting

Commissioner McKenna made a MOTION, seconded by Commissioner Romaniello to adopt the minutes of February 4, 2008.

Minutes were accepted into record with no revisions.

FINANCE & ADMINISTRATIVE COMMITTEE

Appointments

Commissioner Valenza made a MOTION, seconded by Commissioner Hotchkiss to reappoint Clifton McFatridge to the Zoning Hearing Board for term to expire on 12/31/2012.

MOTION was Adopted 7-0.

Commissioner Valenza made a MOTION, seconded by Commissioner Hotchkiss to reappoint John Bethard to the Parks & Recreation Advisory Council for a 2-year term with an expiration date of 2/3/2010.

Commissioner Spearing was concerned about the expiration date of John Bethard being 2/3/2010 when in March the Parks & Rec. Advisory Council will review their Bylaws and discuss the possibility of their expirations timing along with the rest of the other boards that will expire at the end of the year. He wanted to know if there will be a problem to change the expiration date after the appointment.

Solicitor Harper responded that yes they could change the expiration date after the appointment.

MOTION was adopted 7-0.

List of Bills Payable

Commissioner Valenza made a MOTION, seconded by Commissioner Spearing to approve the list of bills as follows:

Committee recommends approval:

General Funds Checks:	Beginning Check #84527
	Ending Check #84794
General: \$ 425,852.69	
Debt: \$ <u>57,709.78</u> (Check #s 84528, #84600)	
Total: \$ 483,562.47	
Voids: None	

Escrow Fund Checks:	Beginning Check #6863
	Ending Check #6873
Total: \$45,071.73	
Voids: None	

Liquid Fuel Fund Checks:	Beginning Check #1771
	Ending Check #1776
Total: \$1,343.17	
Voids: None	

Revolving Funds Checks:	Beginning Check #1758
	Ending Check #1762
Total: \$68,111.15	
Voids: None	

Public Comments: There were no comments.

MOTION was ADOPTED 7-0.

OTHER ITEMS:

Resolution No. R-2008-03 – Revising and amending the Bylaws of the Board of Commissioners.

Commissioner Valenza made a MOTION, seconded by Commissioner Spearing to approve Resolution No. R-2008-01 – Revising and amending the Bylaws of the Board of Commissioners.

Commissioner Efkwitz stated that according to the Bylaws they have to have two readings if they are going to change any Bylaws and this would be the second reading of this change. She mentioned that we are not eliminating the Redevelopment Committee's efforts in any way.

There were no comments.

MOTION was Adopted 7-0.

Resolution No. R-2008-07 – Amend Township Code to allow for expiration dates of members of the Board of Commissioners to be set at December 31st of each year.

Commissioner Valenza made a MOTION, seconded by Commissioner Hotchkiss to approve Resolution No. R-2008-07 to amend the Township Code to allow for expiration dates of members of the Board of Commissioners to be set at December 31st of each year.

Commissioner Romaniello asked the solicitor if it should say this does not commit the Board of Commissioners to the seats now held that have been laid out on the back page of the Resolution. You are still attaching individual names to seats for periods of time that this Board and future Boards may not want to support.

Solicitor Harper stated that it says "*seat*". We were trying to identify "*particular seats*" with "*particular terms*" and there was no other way to do it without naming the names. For example, "Seat now held by Kent D. Nelson on the Joint Sewer Authority to 12/31/2012"; he does not automatically get the next term of January 2013 to January 2017. It is the "*particular seat*" that is going to expire in 2012 then whoever the Board of Commissioners are the January following is going to pick whoever gets that "*seat*" so I tried to identify it as a "*seat held by*" as opposed to a person. It is the *term* for that particular *seat* that would *expire*, whether that particular human being is in it. It was not my intention to reappoint those people and the minutes should be clear about that. It was not my intention to presuppose any particular human being sitting in the seat.

Commissioner Romaniello stated that as long as that was reflected into the minutes she is comfortable with that.

Commissioner Spearing commented about the Municipal Authority's Act dictating those particular positions actually expired the first Monday in January.

Solicitor Harper said that she put it with an asterisk since it was, as she understood, the Commissioners intention that everything end December 31st. The “*seat*” is noted as December 31st of a certain year but because state law “trumps” local law it’s really the first Monday in January following. I tried to write that so it was clear that they actually expire on the following first Monday in January.

Commissioner McKenna said that these terms were out of sync and that previous Boards did not follow the best procedures in appointing people. As a Commissioner you can appoint someone for three to five years and unfortunately if someone’s term would just stop for whatever reason the Commissioners then had the authority to appoint someone then they would start a new term based on when the person resigned.

There were no public comments.

MOTION was Adopted 7-0.

COMMUNITY DEVELOPMENT & PUBLIC WORKS COMMITTEE

Commissioner Efkwitz said that they can now officially refer to this committee as the “*Community Development Committee.*”

Commissioner Lavalley stated that there are two Zoning Board applications that are scheduled at the moment. The first is a continuance of a hearing that was started on February 28th and continued to March 13th concerning 903-905 York Road where the applicant seeks an interpretation from our Township code that a proposed biomedical office/laboratory facility is a permitted use.

The second application is for 723 Sampson Avenue where the applicant seeks a special exception from the code to convert an existing garage and breezeway into an in-law suite. There is also a variance request for an independent outside access.

Resolution R-2008-08 – Resolution to set date for Public Hearing to consider a change of Zoning from R-4 to P-Professional at 517 Moreland Road for April 7, 2008.

Commissioner Lavalley made a MOTION, seconded by Commissioner Hotchkiss to approve Resolution R-2008-08 to set a date for a Public Hearing for April 7, 2008.

There were no public comments.

Mr. Dodies, Township Manager, stated that the Manager’s office will see that the property is posted and will also arrange for a stenographer and the solicitor would normally handle the legal advertising.

Solicitor Harper said that the Commissioners might want to think about that it sometimes is unusual to rezone one property. If it's on a corner it may be an exception. She wants them to think about whether or not if it is logical to rezone one property or whether a larger area would make more sense to avoid a spot zoning issue. If it is a corner property they might not have the issue. She wants the Commissioners to think about it before they get to the hearing. If you decide to expand it to other properties in the area it would have to be re-advertised and reposted.

Commissioner Efkwitz said the property is for sale by a realtor and it is usual to ask the surrounding property owners if they would like to do it too so that it's done all at once. That will be a question to ask as we move into the public hearing on April 7th.

Commissioner Efkwitz asked the solicitor if this particular parcel was among ten on one road would we have to entertain their request but I know by law that if someone asks for a change of zoning we must offer them a public hearing and go through those motions.

Solicitor Harper said that they do not have to offer them the public hearing although it's wise to do so. You have to entertain their request. Whether you decide to take action on it is a matter of legislative judgment for all of you to make. If you get challenged in court the court is going to look to see if what you did was rational and they will uphold whatever you did. One of the ways that a court looks to see if a rezoning is rational is they look to see what the rest of the area looks like and how your judgments were made with respect to the rest of the area.

MOTION was Adopted 7-0.

PARKS & RECREATION COMMITTEE

Commissioner Spearing said that the Director of the Library successfully acquired a grant for \$24,000.00 to more than double the number of computers in the library. She is also doing a great job in securing funds to make our library more accessible to more people and that is one of the goals.

Commissioner Spearing would like to bring to everyone's attention an item being discussed in committee. It's regarding a lease for Pileggi Park for the soccer club. If anyone is interested in this he would like to see them at the meeting and if one cannot make a meeting to call the Township and let your voice be heard regarding this.

Commissioner Efkwitz clarified that the soccer club lease is under the Finance & Administration committee.

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello to proceed with obtaining bids and working with consultants to develop plans to approve the security lighting at Boileau Park.

There were no public comments.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Valenza to proceed with obtaining bids and working with consultants to develop plans for the picnic pavilion replacement at Masons Mill Park.

There were no public comments.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Hotchkiss to proceed with obtaining bids and working with consultants to develop plans to convert Masons Mill Park to Public Water and Sewer.

Commissioner Spearing said what they are approving tonight is for John Chambers to do some evaluation work so that they can prepare a bid package for this item.

Commissioner Efkwitz asked whether this was approval to bid the project to convert Masons Mill Park to public water and sewer.

Mr. Dodies replied yes.

Commissioner Spearing said to prepare the bids and advertise.

Mr. Dodies replied correct and they will return to you for a final award.

Commissioner Valenza asked if it was well water and wanted to know if they were going to use the well to irrigate the fields.

Mr. Dodies said that he doesn't believe that is the intention but that John Chambers will look into that and there is going to be a couple options on his bid.

There were no public comments.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello to proceed with obtaining bids and working with consultants to develop plans for an additional parking lot at Masons Mill Park.

Commissioner McKenna stated that we have asked developers to consider using pervious surfaces which would help decrease flooding and he believes it is more advanced and common. He does not support this surface that we are using; therefore, he will be voting against this.

Commissioner Spearing said it was duly noted about pervious surfaces and will convey that message but all best management practices do not include pervious grounds that there are several ways to do it.

Commissioner Romaniello would like to look at those costs to see what it would cost to do it the traditional way versus the new way with an infiltration trench underneath the parking lot.

Commissioner Efkwitz said what she is hearing is that we have a motion on the table to send this back to committee for further review.

Mr. Dodies said that it's not a cost factor but it is really a policy decision for the Board. I would suggest discussing with the Director of Parks & Recreation what the pros and cons are from his viewpoint and what are the pervious versus impervious terms of the usage that he anticipates at the park.

Commissioner Romaniello made a MOTION, seconded by Commissioner Spearing to send the motion for an additional parking lot at Masons Mill Park back to committee.

MOTION was approved 6-1. Commissioner Valenza opposed.

There were no comments.

Commissioner Spearing made a MOTION, seconded by Commissioner Valenza to proceed with obtaining bids and working with consultants to develop plans to light the second softball field at Masons Mill Park.

Commissioner Valenza asked if it would be sensitive to the reflection factor like when they put the baseball field in.

There were no public comments.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello for approval of the Army's request to use Mill Creek Park for a staging area in an emergency.

Commissioner Spearing said that this is a very limited use and is only one of many in the surrounding zone. We have a letter stating if repairs needed to be done that the Army would be responsible.

A resident said that there is no bridge across the creek how are they going to access it? Will they have to build some kind of staging bridge?

Commissioner Efkwitz said that they would likely not that they just want to use the parking lot.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello for approval of the Pennypack Greenway Partnership letter of endorsement for trails initiative.

Commissioner Spearing said that Pennypack Greenway is helping us and there is a potential to get a national planner to help us plan our trails and we have some intended trails in place already.

There were no public comments.

MOTION was Adopted 7-0.

Commissioner Spearing made a MOTION, seconded by Commissioner Valenza for approval of the Boileau Barn Repair Bid Specifications.

Commissioner Spearing said that this was originally identified as emergency work to keep the barn from further damage. This action is for preparing and advertising the bids.

There were no public comments.

MOTION was Adopted 7-0.

PUBLIC HEALTH & SAFETY COMMITTEE

There are no items for action.

REDEVELOPMENT COMMITTEE

Commissioner Efkwitz stated that they covered the items under the Redevelopment Committee.

New Business

There was no new business.

Commissioner Comments

Commissioner Efkwitz said that they did have a very productive meeting with the School District on Thursday, February 28, 2008. We hope they will entertain the idea of drafting some TIF guidelines with us. We had the opportunity to hear about TIF, the status of redevelopment as it stands today, all at once, and it's all televised.

Commissioner Spearing said that last month they passed a Natural Hazard Mitigation Plan and Commissioner Hotchkiss invited us to visit the website. He viewed it and said that flooding is an issue all over this county and noted many townships have reported their flooding and their mitigation a little better than we have and would like to see it bought back to committee so that we can update our present condition and look at some plans for mitigating.

Commissioner Spearing commented on Timoney Knox's itemized bill how extensive and detailed it was. He drew attention to a reference of January 7, 2008 to a conference with our chairperson and said what is significant about this is it is dated January 7th and we actually took action to ratify and reaffirm on the 14th with absolutely no notice at all and again he pointed out that he was very offended by that but now that he can see on paper that there was a whole week of preparation and more than enough ample time to let other commissioners know what was going on.

Adjourned: 8:15 P.M.

Respectfully submitted:

Arlene M. Nolan