

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

REGULAR MEETING MINUTES

April 7, 2008

CALL TO ORDER – Commissioner Valenza, Vice President called a meeting of the Board of Commissioners of Upper Moreland Township to order at 7:00 p.m.

PRESENTATIONS/ANNOUNCEMENTS:

Commissioner Valenza announced that Bill Libor, Commissioner Stacey Efkowitz's son was in a serious car accident and it is moment by moment. Stacey is by his side, and we wish him a speedy recovery.

A MOMENT OF SILENCE WAS HELD FOR BILL LIBOR FOLLOWED BY THE PLEGE OF ALLEGIANCE

ROLL CALL – David Dodies, Township Manager took roll call. Present: Commissioners Sam Valenza, Vice President, James Hotchkiss, James McKenna, Joseph Lavalle, Kevin Spearing and Lisa Romaniello. Absent: Commissioner Efkowitz

Others: David Dodies, Township Manager and Catherine Harper, Township Solicitor.

PUBLIC COMMENTS – NON-AGENDA ITEMS ONLY:

Jonathan deJonge commented that Stacey's son, Bill is in the community's thoughts and prayers for a speedy recovery.

TREASURER'S ACTIVITY REPORT:

Commissioner Romaniello made a MOTION, seconded by Commissioner Spearing to approve the March, 2008 Treasurer's Activity Report.

MOTION was ADOPTED 6-0.

APPROVAL OF MINUTES:

Commissioner Romaniello made a MOTION, seconded by Commissioner Hotchkiss to approve the Regular Meeting minutes of March 3, 2008.

Commissioner Valenza corrected Page 8, Paragraph 7, to indicate that Commissioner Valenza opposed.

Commissioner Spearing asked that we still receive a report on how it affects the budget.

Mr. Dodies agreed.

MOTION was ADOPTED 6-0.

Old Business:

Ordinance #1556 – To provide for fees for tax bill duplicates

Commission Valenza said Ordinance #1556 is an ordinance amending Ordinance #1524 relating to the establishment of internal control procedures for tax certification to add a new Section 5 to provide for fees for tax bill duplicates.

Commissioner Valenza made a MOTION, seconded by Commissioner Romaniello to adopt Ordinance #1556 to provide for fees for tax bill duplicates.

Solicitor Harper said the proof of advertising was done for Ordinance #1556.

Commissioner McKenna said he thought we were not going to charge residents, and this was just for second or third party requests of the tax bill.

Solicitor Harper replied it is \$2 for any duplicate.

Commissioner McKenna said he thought this was for nonresidents.

Commissioner Romaniello asked is the Treasurer going to keep an accounting record of fees for any duplicates that are sent out.

Mr. Dodies replied that is not stipulated in this ordinance.

Solicitor Harper added that in the original ordinance, the Tax Collector is keeping records of money coming/going. Ordinance #1524 says that he should be keeping a record.

Commissioner Valenza asked for any public comments. There were none.

MOTION was ADOPTED 5-1. Commissioner McKenna opposed.

Ordinance #1557 – To renew Franchise Agreement between Township and Comcast of Willow Grove, Inc.

Commissioner Valenza said this ordinance authorizes the granting of franchise to construct, maintain and operate a cable system in Upper Moreland Township to Comcast of Willow Grove, Inc. and establish terms and conditions for renewal of the cable franchise.

Commissioner Valenza made a MOTION, seconded by Commissioner Romaniello to adopt Ordinance #1557 to renew franchise agreement between Township and Comcast of Willow Grove, Inc.

Mr. Dodies commented that the negotiation for this took place over an 18-month period by our previous Solicitor, and he recommends that the Board adopt it. It is a 50-year agreement with an automatic five-year extension as long as Comcast meets all of the stipulations that the agreement contains. The definition of gross versus revenue remains the same and there is no alteration in calculations of fees that will be provided to the Township. Comcast will contribute \$65,000 (one-time fee) towards the cost of our broadcast services and, within 180 days, we should receive payment.

Commissioner Spearing noted that the agreement says it is a 15-year agreement with a five-year extension. Referring to Page 11, Item D just mentions a franchise term of 15 years.

Mr. Dodies replied the earlier clause would supersede the language in Item D.

Solicitor Harper agreed, and said the purpose of that section is to show how they calculated the amount of money they are willing to give to Upper Moreland.

Mr. Dodies said the Township, by virtue of agreements with Verizon and Comcast, are not permitted to regulate their fee structure and this agreement does not address that and we do not have the authority to do so.

Commissioner Romaniello said we should have a policy of what content we are willing to accept.

Mr. Dodies replied he will provide the Board with a draft of a policy procedure. That type of policy would need to be broad and somewhat flexible. He will bring a draft before the Finance & Administrative Committee to review.

Commissioner Romaniello noted that Comcast provides access into our library and all of our educational buildings for free.

Commissioner Spearing said it seems the agreement is absent of any kind of digital signaling. Does that come under FCC regulations?

Mr. Dodies replied yes, in February, 2009, by Federal Law, carriers will turnover analog band to the government and revert to digital broadcasting.

Commissioner Valenza asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Other Items:

Resolution R-2008 -11:

Commissioner Valenza made a MOTION, seconded by Commissioner Romaniello to direct Solicitor to advertise a Public Hearing for May 5, 2008 at 7:00 p.m., and prepare appropriate ordinance for consideration by Board of Commissioners to amend Ordinance #1451, 20A.03, of the Township Code to reflect members of the Upper Moreland Historical Commission; shall serve terms that will expire on December 31st.

MOTION was ADOPTED 6-0.

Commissioner Valenza noted that Commissioner Efkwitz asked Dan Fannon, alternate member of the ZHB to come forward this evening. He asked Dan how long has he been a member of the ZHB?

Dan Fannon replied he was appointed in October/November 2007, and he has been serving as an alternate until the present time. He is qualified for the position and he would like to continue serving on the ZHB as an alternate.

Commissioner Valenza said his terms will carry on until 12/31 and, in January, 2009, the Board will renew his term for another five years. This will be discussed in committee.

Commissioner McKenna said he is in favor of voting on this appointment this evening.

Commissioner Romaniello said in all fairness to the rest of the community someone else might be interested and they would have the opportunity to discuss it in committee. We should follow our normal procedure

Commissioner Valenza said we will discuss this in committee and make a recommendation on April 28th and then vote on this appointment on May 5th.

COMMUNITY DEVELOPMENT & PUBLIC WORKS COMMITTEE:

Land Development Applications:

Resolution R-2008-10 – Land Development Plan for 3855 Blair Mill Road:

Commissioner Lavalle said committee recommends this plan for approval with a list of conditions noted in the resolution.

Commission Lavalle made a MOTION, seconded by Commissioner Spearing to adopt Resolution R-2008-10 Land Development Plan for 3855 Blair Mill Road.

Commissioner Spearing asked has the conditions been met?

Bob Showalter and Mike Weaver, applicants, replied they received a copy of the resolution and they do not have any concerns of the items contained in the resolution.

Solicitor Harper said it is required that the applicant to sign the resolution within 10 days, signifying acceptance of it, if it is approved by the Board tonight.

Commissioner Lavalle asked for any public comments. There were none.

Mr. Dodies noted there is one waiver request. Action should be taken by the Board on the waiver request before taking action on the entire resolution. The waiver request is from the requirement to provide a parking island every six parking spaces for multiple dwellings and private recreational use.

Mr. Showalter added that it is one every six spaces. We are taking out the old basketball court and putting in a new fitness center that will be used by residents of the apartment complex and office space and 16 additional parking spaces will be provided. McCloskey & Faber's letter dated, March 5, 2008 supports our waiver request.

Commissioner Lavalle withdrew his original MOTION, and made a MOTION, to grant the waiver request of the requirement to provide a parking island every six parking spaces for multiple dwellings and private recreational use, seconded by Commissioner Hotchkiss.

MOTION was ADOPTED 6-0.

Commissioner Lavalle made a MOTION, seconded by Commissioner Romaniello to adopt Resolution R-2008-10 – Land Development Plan for 3855 Blair Mill Road.

Commissioner Lavalle asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Resolution R-2008-09 – Development Plan for 10 Park Avenue – Request for Waiver from Land Development Process:

Commissioner Lavalley made a MOTION, seconded by Commissioner Hotchkiss to adopt Resolution R-2008-09 Development Plan for 10 Park Avenue – Request for Waiver from Land Development Process.

Commissioner Spearing said he has reservations about waiving land development in the redevelopment area as he does not want to establish a precedent. Has the APA reviewed this application?

Mr. Dodies replied no.

Commissioner Valenza asked has Jody Holton, KSK reviewed this application?

Commissioner Lavalley replied she was in attendance during discussion of this item, but she did not formally respond or give an opinion on this plan. There are number of conditions contained in the resolution generated by Chambers & Associates.

Commissioner Hotchkiss said we have a vacant building right now and we are going from a 7,800 sq. ft. building to a 6,000 sq. ft. building so the footprint is smaller. He sees no reason why we shouldn't approve it.

Commissioner Lavalley agreed, and said there will be additional research done on any future land development applications specifically for waiver requests in the town center zoning.

Commissioner Romaniello said we will have better stormwater controls on this parcel with this development project than we currently have and, because of the footprint of the building and the geography, she is in favor of it. She feels we would have more problems if we were to meet the code and she will vote for it, but this is clearly not the message we want to send that we will waive land development in our town center.

Commissioner McKenna said he has concerns with the project and he does see that there is a hardship for the applicant to go through the land development process.

Solicitor Harper asked the applicant to explain why they are requesting a waiver from the land development process.

Paul Wolenski, Sterling Jewelers, applicant, replied the request came from the direction of Mr. Purtell. Because the building is within the same footprint of the current building; we would not be changing the configuration of the site. We have begun our construction drawings and they will be completed within the next few weeks to be submitted for permits.

Commissioner Lavalle asked for any public comments.

Jonathan deJonge commented that if this project came through the APA for review; he would recommend approval. He does not feel we are setting a precedent. It is currently a vacant building, and this project would be an improvement to what is there now.

Richard Booth, former Commissioners, agreed with Mr. deJonge. The applicant did a good job with stormwater management for this property, and it is prudent that the Township send the right signal to all developers that we will work with them to get our empty buildings filled.

MOTION was ADOPTED 4-2. Commissioners McKenna and Spearing opposed.

Other Items:

Resolution R-2008-12 – Direct Solicitor to advertise Public Hearing and prepare appropriate ordinance for consideration by Board of Commissioners to amend the UDC Zoning District regulations with respect to prohibition of gasoline station as permitted use:

Commissioner Lavalle made a MOTION, seconded by Commissioner Romaniello to adopt Resolution R-2008-12 directing Solicitor to advertise a Public Hearing for May 5, 2008 at 7:15 PM and prepare appropriate ordinance for consideration by Board of Commissioners to amend the UDC Zoning District regulations with respect to prohibition of gasoline station as permitted use.

Commissioner Lavalle asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Proposal from ARRO Consulting for stormwater outfalls screening:

Commissioner Lavalle read from the proposed agreement that says, “In consideration of the outfall observation services performed by ARRO a lump sum fee of \$17.00 for each outfall screened. This cost includes submitting required reporting information to the Township.

In consideration of the sampling services performed by ARRO in accordance with this agreement the Township shall pay to ARRO a lump sum fee of \$170.00 for each outfall sampled. Each sampling of an outfall is considered to be a separate fee.

In consideration for the evaluation of upstream stormwater conveyance systems to investigate the potential source of non-stormwater discharge in accordance with this Agreement, the Township shall pay to ARRO an hourly rate of \$55.00 on a time and expenses basis.”

Commissioner Lavalley made a MOTION, seconded by Commissioner Spearing to accept the proposal of ARRO Consulting, Inc. for stormwater outfalls.

Commissioner Spearing asked if we need to employ ARRO’s services for an extended period of time based on findings; is this contract valid for a certain period of time?

Mr. Dodies replied the purpose of this work is to ensure that the Township is in compliance with NPDES stage II permitting of the requirements. This agreement proposes services that will lead to that result. If ARRO concludes there are issues that need to be addressed by the Township with respect to repairs to the infrastructure that will be addressed at that time.

Commissioner Spearing asked would additional sampling result in additional charges at the same rate?

Mr. Dodies replied yes.

Commissioner Romaniello asked about putting a cap on the cost.

Mr. Dodies replied he does not feel a cap can be put on this project. His estimate is in the range of \$10,000 and that’s what was budgeted for.

MOTION was ADOPTED 6-0.

Purchase of a pick-up truck for Public Works Dept. in the amount of \$13,705.00:

Commissioner Lavalley made a MOTION, seconded by Commissioner Hotchkiss to approve the purchase of a pick-up truck for the Public Works Dept. in the amount of \$13,705.00.

Commissioner Lavalley asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Fees for Additional Services from McMahon Associates related to Memorial Park Drive Project:

Commissioner Lavalley made a MOTION, seconded by Commissioner Romaniello to approve fees for additional services from McMahon Associates relating to Memorial Park Drive for amended signal/HOP plans - \$6,500, box culvert TS&L/Final Design - \$8,000 and DEP package and permit - \$12,500 for a total amount of \$27,000.

Commissioner Romaniello asked that we continue to ask PennDOT to reimburse the Township.

Commissioner Spearing asked is any of this work being done in PennDOT's right-of-way?

Mr. Dodies replied yes.

MOTION was ADOPTED 6-0.

Award to Joseph E. Sucher & Sons, Inc. for 2008 Milling Project:

Commissioner Lavalley made a MOTION, seconded by Commissioner Hotchkiss to award the bid for the 2008 Milling Project to Joseph E. Sucher & Sons, Inc. in the amount of \$1.55 per square yard for a total of \$34,875.00.

Commissioner Spearing asked does this bid include hauling away all milling materials?

Mr. Dodies replied yes.

Commissioner McKenna asked Mr. Dodies to check with Mr. Snyder to see whether there are funds to do additional resurfacing of the roads

Mr. Dodies suggested that the Board consider more extensive appropriations for road improvements in the 2009 budget.

Commissioner Lavalley asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Resolution R-2008-13 – Direct Solicitor to advertise Public Hearing and prepare ordinance for consideration by Board of Commissioners to rezone 501 and 517 Moreland Road from R-4 Residential to P-Professional:

Commissioner Lavalley made a MOTION, seconded by Commissioner Hotchkiss to adopt Resolution R-2008-13 to direct Solicitor to advertise a Public Hearing for May 5, 2008 at 7:30 p.m. and prepare ordinance for consideration by Board of Commissioners to rezone 501 and 517 Moreland Road from R-4 Residential to P-Professional.

Commissioner Lavalley asked for any public comments.

Jonathan deJonge commented that this came before the APA for review and we recommend that this be rezoned to Professional.

Commissioner Romaniello commented that the residents should be notified.

Solicitor Harper replied we have to comply with the ordinance and MPC requirements and, in this case, it requires a 30 day review by the MCPC and a posting on all sides of the property.

Commissioner McKenna said if residents want to share their views in writing as opposed to attending the hearing; is that proper?

Solicitor Harper replied a written letter can be taken into consideration by the Board.

MOTION was ADOPTED 6-0.

PARKS & RECREATION COMMITTEE:

Picnic Pavilion Replacement at Masons Mill Park:

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello to approve the purchase of a picnic pavilion from RCP Shelters Inc. in the amount of \$16,964.00 for Masons Mill Park.

Commissioner Spearing noted that the purchase of the pavilion does not include demolition of the existing pavilion, which will be done in-house and the construction of the new pavilion will be outsourced.

Commissioner Spearing asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

Additional Parking Lot at Masons Mill Park with porous paving:

Commissioner Spearing made a MOTION, seconded by Commissioner Romaniello to approve an additional parking lot at Masons Mill Park with porous paving.

Commissioner Spearing asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

PUBLIC HEALTH & SAFETY COMMITTEE:

Sale of 1986 Fire Department Apparatus:

Commissioner Hotchkiss made a MOTION, seconded by Commissioner Romaniello to approve the sale of a 1986 Pierce Lance Pumper – Fire Department Apparatus in the amount of \$37,500.

Commissioner Hotchkiss asked for any public comments. There were none.

MOTION was ADOPTED 6-0.

NEW BUSINESS:

Commissioner Romaniello commented that she received a letter from a resident regarding difficulty shopping at the new Giant Supermarket because they have to walk down two flights of steps to get into the store and walk up two flights with groceries. She asked the Board to work with Giant to create an opportunity for residents to enter the store through the emergency entrance.

Mr. Dodies replied the development is code compliant.

Solicitor Harper said as a government, our right to make them do something about that issue is limited.

Commissioner Romaniello noted that the store owners have indicated they agree with the residents in this matter.

Mr. Dodies noted that we will talk to Giant about this matter.

COMMISSIONER COMMENTS:

Commissioner Spearing said the Legislator Locator included an item about Tax Collector and Treasurer of 2009. How will that impact Upper Moreland Township?

Mr. Dodies replied the Legislator Locator is sent to Pennsylvania municipalities and that item is referring to pending legislation for separating the Treasurer and Tax Collector. It would allow the Board of Commissioners to designate an employee of the Township or a member of the Board of Commissioners as the Township Treasurer for First Class Townships.

Commissioner McKenna announced that in March, he attended the League of Cities and Municipal Conference in Washington, D.C. where they discussed infrastructure/transportation issues. There is an energy grant that may become available in 2009 where municipalities could improve their energy efficiency. We are looking for a better transportation system in this country.

ADJOURNMENT: 8:45 p.m.

Respectfully submitted,

S. Elizabeth Vile

