

**UPPER MORELAND TOWNSHIP  
BOARD OF COMMISSIONERS**

**REGULAR MEETING**

*May 7, 2007*

**CALL TO ORDER** – Comm. Crilly, President of the Board of Commissioners of Upper Moreland Township called the Regular Board meeting to order at 7:05 p.m.

**A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE, WHICH WAS LED BY EAGLE SCOUTS, ALBERT J. MARKERT AND JONATHAN D. FINK**

**PRESENTATIONS/ANNOUNCEMENTS:**

Commendations for Eagle Scout Awards:

Commissioners Efkowitz and Romaniello presented Eagle Scouts, Albert J. Markert and Jonathan D. Fink of Troop 563, St. Williams Parish, Philadelphia, PA, commendations in recognition of achieving their rank of Eagle Scout of the Boy Scouts of America, and for assisting in the demolition and renovation of the faculty lounge at St. Williams Elementary School including leveling the floors, laying the carpet, restoring walls, installation of cabinets, shelves, a lunch counter and an upgraded computer area. The Upper Moreland Township Board of Commissioners congratulated them for their many accomplishments and best wishes for continued success in the years ahead.

**ROLL CALL** – David Dodies, Township Manager took roll call. Present: Commissioners Michael Crilly, President, Richard Booth, Vice President, James Martin, Stacey Efkowitz, Lisa Romaniello, James Hotchkiss and James McKenna.

**PUBLIC COMMENTS – NON-AGENDA ITEMS:**

Nicholas Nagurny, 2670 Lisayne Drive, said he and his family have lived in the Township for 40 years. He is concerned that the Upper Moreland Tax Collector has been found in violation of the State Ethics Code. He is concerned that the Tax Collector has to amend his Federal tax returns for five years because fees collected were not properly reported. He is concerned about sloppy records and lost critical information in the Upper Moreland Tax Collector's office. What is the process for changing the Tax Collector's function in Upper Moreland from an elected position to an outsource service. He thanked the five Commissioners who responded to his emails and calls regarding his concerns about the Tax Collector's situation.

Solicitor Kerns replied he has to research that process. He has to see if there is a provision regarding an “outsource” in the First Class Township Code to make a determination on how that would be put into effect.

Comm. Crilly said we should discuss that further at the next Finance & Administrative Committee meeting.

George Detweiler, Dorothy Street, said he has two newspaper clippings from the Intelligencer that said the Tax Collector owes \$20,000 and an editorial that he submitted for the record. From the editorial, “The Township taxpayers should be outraged by this abuse and/or incompetence of the Tax Collector’s office.” He is very troubled because this complaint was registered with the Board before the Ethics Commission. The period involved the tax certification that was collected without authorization, and that is an awful lot of transactions to go through without any documentation. Mr. Walter collected the money and did not report it on his tax returns. He understands that Mr. Walter retroactively filed amended returns for 4-5 years. The audit should be done and tax computed and Mr. Walter should donate the amount of taxes he didn’t pay that he should have paid to the Little Sisters of the Poor or the Friends of Boileau. Ordinance #1517 was passed authorizing the Tax Collector to charge tax certificates beginning in 2006. Does Ordinance #1517 retroactively authorize the collection of the certification fees from the period prior to 2005 by the Tax Collector?

Comm. Crilly replied no.

Mr. Detweiler said the report by the Ethics Commission states, “restitution is warranted.” Has demands been made on the Tax Collector to pay the Township the funds he collected without proper authorization?

Comm. Crilly replied no.

Mr. Detweiler said the article said it was the School Board who blew the whistle on Mr. Walter for not providing the required audits. Why was it the School Board who blew the whistle?

Comm. Crilly replied there is no explanation other than they had an interest in reviewing his records at the time.

Comm. Booth said we always had audits of the Earned Income Tax office. There was a question on the level of audit that was required in the contract and what we were getting. The School Board looked at the contracts and decided a higher level of audit was needed.

Jonathan deJonge, Patriot Road, said he commended the Friends of Boileau for the excellent work they did this past Saturday at the farm. He suggested a farmer's market to help raise funds for the park.

Comm. Crilly said that can be an agenda item for the next Parks & Recreation Committee meeting.

Comm. Efkowitz said it is an outstanding idea and should be a project for the Friends of Boileau to take on.

Comm. Crilly said the Friends of Boileau are in support of this idea.

**TREASURER'S ACTIVITY REPORT:**

Comm. Booth made a MOTION, seconded by Comm. Efkowitz to approve the Treasurer's Activity Report for April, 2007.

Comm. Booth said the general fund shows a balance of \$4,219,113.55 and this monthly report is a summary of receipts and expenditures. A complete financial statement is available for public review in the Township Finance Office.

MOTION was ADOPTED 7-0.

**APPROVAL OF MINUTES:**

Comm. Booth made a MOTION, seconded by Comm. Efkowitz to approve the minutes of the April 2, 2007 Regular Meeting.

Corrections:

Page 10 – Paragraph 6 should read as follows: He spoke with a neighbor who had lived next door to the property in question and that is where his information came from.

Page 4 – Paragraph 2 should read as follows: He appeared before the ZHB last September, and the minutes reflected that Mr. Corbett did not have a good understanding of the zoning law even though it was explained to him several times by several ZHB members; he was not able to grasp it and they ruled against him, and he made some discouraging remarks to them.

Comm. McKenna said but he (Mr. Corbett) didn't say that in the meeting. He disagreed with the above changes to Page 4, Paragraph 2.

MOTION was ADOPTED 6-1. Comm. McKenna opposed.

**FINANCE & ADMINISTRATIVE COMMITTEE:**

Appointments:

Comm. McKenna made a MOTION, seconded by Comm. Efkwowitz to appoint Edward Sheehan to the Parks & Recreation Advisory Council for a two-year term, term to expire on 11/14/08.

MOTION was ADOPTED 7-0.

Comm. McKenna made a MOTION, seconded by Comm. Romaniello to appoint Liz Hatch to the Parks & Recreation Advisory Council for a two-year term, term to expire 4/7/09.

Comm. Romaniello said Liz Hatch has been an active and vocal participant of the PRAC.

MOTION was ADOPTED 7-0.

Comm. McKenna made a MOTION, seconded by Comm. Efkwowitz to appoint Darrell J. Bietz to the Parks & Recreation Advisory Council for a two-year term, term to expire 5/5/09.

Comm. Efkwowitz said Mr. Bietz has been on the PRAC for 10 years and this will likely be his last term. She is happy to have him serve for another two years representing Ward 3.

MOTION was ADOPTED 7-0.

Comm. McKenna made a MOTION, seconded by Comm. Efkwowitz to appoint Jonathan de Jonge to the Advisory Planning Agency for a two-year term, term to expire on 6/1/09.

Comm. McKenna said Mr. de Jonge has been a long-term member of the APA and does an excellent job. We are grateful for his service on the APA.

Comm. Booth commented Mr. de Jonge has good ideas and works hard on this committee. He is an asset to the community.

Comm. Martin commented Mr. de Jonge is very articulate and, with his creative insight and his planning knowledge, has been very helpful to the community.

Comm. Efkwowitz said Mr. de Jonge has been an asset to the APA. His creativity and vision for the Township comes through and she is happy that he is willing to continue serving on the APA.

MOTION was ADOPTED 7-0.

List of Bills Payable:

Comm. McKenna made a MOTION, seconded by Comm. Efkwitz to approve the list of bills payable as follows:

**General Fund Checks:**        Beginning Check #81411  
Ending Check #81781

General: \$845,893.95  
Debt:        33,622.24  
Total:    \$879,516.19 (Check #s 81411-81412; 81538)  
Voids: #81216; #81417

**Escrow Fund Checks:**        Beginning Check #6682  
Ending Check #6707

Total: \$10,511.23  
Voids: None

**Liquid Fuel Fund Checks:** Beginning Check #1701  
Ending Check #1707

Total: \$44,245.62  
Voids: None

**Revolving Fund Checks:**    Beginning Check #1703  
Ending Check #1709

Total: \$7,864.41  
Voids: 1706; 1707

MOTION was ADOPTED 7-0.

**OTHER ITEMS:**

Ordinance No. 1541:

Comm. McKenna made a MOTION, seconded by Comm. Efkwitz to adopt Ordinance No. 1541 regarding Collection of Interest on Delinquent Realty Transfer Tax.

Comm. Booth said this is to encourage people to pay their taxes on time and, if they don't, they will be charged 1 ½ percent tax on their interest.

Comm. Romaniello asked will a copy of the ordinance be sent to Montgomery County?

Solicitor Kerns replied yes.

MOTION was ADOPTED 7-0.

Ordinance No. 1544:

Comm. McKenna made a MOTION, seconded by Comm. Hotchkiss to adopt Ordinance No. 1544 a Deed in Lieu of Condemnation for the property located at 104 Center Avenue.

Solicitor Kerns said this is a friendly condemnation, which the Township has an agreement with the owner of land and, in order to effectuate that agreement, the Township uses its power of eminent domain.

Comm. Efkwitz added that 104 Center Avenue is the property that sits next to the parking lot.

MOTION was ADOPTED 7-0.

Resolution No. R 2007-07:

Comm. McKenna made a MOTION, seconded by Comm. Efkwitz to adopt Resolution R-2007-07 authorizing waiver of subdivision process related to condominium termination at Schilling Campus of Abington Memorial Hospital.

Solicitor Kerns said this is based on an opinion that his office rendered to the Board 6 months ago. Doctors of Abington Hospital wish to break the condominium lease and, because there are long-term leases involved, the Doctors of Abington Hospital are worried the Township considered it a subdivision under the MPC. His opinion is that it is not a subdivision. The attorney for the lender, who has provided funding for a piece of property, asked that the Board of Commissioners adopt a resolution, which is adopting his opinion so that it would be of record.

Comm. Romaniello said she is concerned about the Board adopting the resolution without knowing the zoning classification. There are two parcels and the Board is being asked to combine the two parcels into one.

Solicitor Kerns disagreed. The Board is asking Abington Hospital to develop a unified development plan for two parcels of ground.

Comm. Romaniello said the two parcels are zoned differently and how will that affect the real estate property tax?

Solicitor Kerns replied Abington Hospital is looking to develop the second piece of property and not the one that is under consideration tonight. They want to utilize the piece of property in the same format as it currently is. The Board asked to see the entire property as a whole, and if the Board feels it is best to rezone the parcels, they can consider it. The second parcel will stay the same as far as zoning is concerned. The first parcel will be upgraded to serve other types of uses and that would increase the revenue stream to the Township and enhance the tax revenues the Board would receive from the second piece of property. The first piece of property has been looked at for more offices.

Comm. Efkwowitz said Resolution R-2007-07 has nothing to do with any possible development at the corner of Rt. 611 and Maryland Road. This is just for the condominium property at the Schilling campus.

Solicitor Kerns replied that is correct.

Comm. Romaniello asked is this an “over kill?”

Solicitor Kerns replied the attorney for the lender, who has lent the money to the doctors, wants to be sure that his (Solicitor Kern’s) opinion will be of record.

MOTION was ADOPTED 7-0.

ZHB Decision regarding the Galman Group’s request for access to the Regency Towers:

Comm. McKenna made a MOTION, seconded by Comm. Efkwowitz to authorize Township Solicitor to proceed with necessary action to challenge the decision by the Zoning Hearing Board regarding the Galman Group’s request to provide access to the Regency Towers off of Crown Street.

Comm. Efkwowitz said we discussed this in Executive Session since this is a legal matter. The Galman Group came before the ZHB challenging the denial letter to put a driveway onto Crown Street so the Regency residents can access that neighborhood. The Board is taking issue with the way the hearing was presented and we filed an appeal of that ZHB decision. Is there a date when that appeal will be heard?

Solicitor Kerns replied no.

Comm. McKenna said all Commissioners have been contacted by residents of Ward 3, and we support Comm. Efkwowitz and her constituents in their endeavor.

Public Comments:

Jonathan de Jonge commented he supports the Board's actions in this matter.

MOTION was ADOPTED 7-0.

**COMMUNITY DEVELOPMENT COMMITTEE:**

Resolution R-2007-09:

Comm. Martin said we received a land development application from Progressive Insurance. The applicant requests five waivers as follows:

**Waiver #1:**

Comm. Martin made a MOTION, seconded by Comm. Hotchkiss to grant a waiver from Section 4.05.A (1) of the SALDO, requiring that concrete curbs be installed along each side of every residential, secondary or primary street and along every private street, access driveway and parking area in land developments so as to allow no curbing along a small, isolated portion of the southeastern side of the building within a vehicle holding area. Curbing shall be required at all other locations as required by this Section.

Comm. Martin said curbs in this area would impact the vehicle holding area and our committee recommends approval.

MOTION was ADOPTED 7-0.

**Waiver #2:**

Comm. Martin made a MOTION, seconded by Comm. Romaniello to grant a waiver from the provisions of Section 5.04D(1)(f) of the SALDO requiring a continuous low hedge buffer along Maryland Road so as not to disturb the root systems of existing street trees.

Comm. Martin said our committee recommends approval.

Comm. Efkowitz asked is there a provision to replace the trees if they die or get damaged?

Mr. Adelman, Attorney representing the applicant, replied we will save the large old trees and we have not discussed that type of a provision; however, we would be amenable to that provision provided that an analysis is done prior to construction. When we install the sidewalks, we will do our best to avoid the root zones.

MOTION was ADOPTED 7-0.

**Waiver #3:**

Comm. Martin made a MOTION, seconded by Comm. Efkwitz to grant a waiver from the provisions of Section 5.04B.(4) of the SALDO requiring four shade or ornamental trees and ten deciduous, evergreen or semi-evergreen shrubs every 100 feet along the perimeter of the property, such that said requirement will not apply to the southern property line, which will enable the applicant to retain an existing hedgerow of arbor vitae.

Comm. Martin said our Landscape Architect approves of this waiver and so does our committee.

Comm. Booth said if trees cannot be planted; the Township requests a contribution in kind and we will plant the value of those trees in our parks.

Mr. Adelman replied those calculations were not done. This is the best way to proceed based on our discussions with the Township's consultants; however, the applicant is willing to offer the Township a contribution of \$3,000.

Comm. Booth said that would be acceptable.

Solicitor Kerns said he will add that as a condition to Resolution 2007-09.

MOTION was ADOPTED 7-0.

**Waiver #4:**

Comm. Martin made a MOTION, seconded by Comm. Hotchkiss to grant a waiver from the provisions of Section 5.04D.(1)(b) of the SALDO requiring that a minimum of 10% of any parking lot facility over 5,000 sq. ft. be devoted to landscaping.

Comm. Martin said the applicant is able to meet between 8%-9% of the required landscaping. In addition, there is a reduction in the footprint by 50% and that will improve the overall appearance of the site and a reduction in the impervious surface will reduce the amount of stormwater. Our Committee recommends approval.

Comm. Romaniello said 148 parking spaces are being requested and 40 cars a day will be used. Adding parking spaces is adding asphalt to an area that has a lot of stormwater flooding. By reducing 148 parking spaces to 90 parking spaces the applicant will be able to build out 200%, and by putting the parking spaces in reserve will be better for the community.

Mr. Adelman replied we are reducing the existing impervious surface coverage of the overall property. There are no stormwater controls on this property now, but we are adding it. This type of use is non-traditional and the rear of the building area is operational. The parking is for employees and/or parking coming in/out. By reducing the parking spaces to 90 would make the business impossible and eliminate the future growth level of this business. The front area of the property has a total green area of 9.5%. We are really seeking a partial waiver for the rear portion of the property, which is enclosing the screening on Maryland, a hedgerow internally, existing buffering along the rear of the property and install the arbor vitae on the southern end of the property including a decorative wrought-iron fence. It is not a traditional sea of asphalt. This provision was designed to eliminate seeing that sea of asphalt from the public street. He asked the Commissioners to approve this waiver on the basis that it is not setting a precedent. It is a case-by-case for a non-traditional use for this property.

Comm. Booth said the applicant stated they will grow into this facility. He suggested leaving a significant area for parking and not pave it at this time.

Mr. Adelman conferred with his client. His client explained to him that the basis for doing it now is to make the road seamless. The front area is 9.5% and, we could bring it up to 10%, which would eliminate some parking spaces, therefore limiting the overall waiver.

Comm. Martin asked how many parking spaces will be eliminated?

Mr. Adelman replied about 5-6 parking spaces.

Comm. Crilly asked if this waiver should be withdrawn or amended.

Solicitor Kerns replied amended.

Mr. Adelman said we can't get 10% overall. We need a partial waiver for the rear parking for the purposes of business operational.

Rick Stoneback, Engineer, replied a waiver can be granted for the operational secured parking spaces.

Solicitor Kerns said there is a percentage of green space that needs to be defined.

Mr. Adelman replied overall we are 8.8% and, in the front area, we comply with the 10%.

Solicitor Kerns said this is an entire land development plan and, for purposes of the Board's approval, we need to know what the applicant intends to do relative to the entire plan.

Mr. Adelman replied for the overall site we will not go below 8.8%.

Comm. Martin said the waiver should stay the same.

Comm. Efkwitz said the waiver should reflect the better product of what the applicant is offering.

Comm. Martin said the waiver request should remain the same.

Comm. Efkwitz made a MOTION to AMEND Waiver #4, a waiver from the provision of Section 5.04D(1) (b) of the SALDO requiring that a minimum of 8.8% of any parking lot facility over 5,000 sq. ft. be devoted to landscaping.

Solicitor Kerns said he would like a defined waiver so the plan can be interpreted by staff.

Comm. Crilly made a MOTION to AMEND the MOTION, seconded by Comm. Efkwitz to grant a waiver from the provisions of Section 5.04D(1)(b) of the SALDO to allow 8.8% of any parking lot over 5,000 sq. ft. be devoted to landscaping.

MOTION as AMENDED PASSED 7-0.

**Waiver #5:**

Comm. Martin made a MOTION, seconded by Comm. Romaniello to grant a waiver from the provisions of Section 5.04D. (2) (b) of the SALDO limiting parking spaces to 12 in a row so as to allow a run of 29 parking spaces in the parking area adjacent to the eastern property line in that this area is a vehicle holding area.

Comm. Martin said all other landscape islands will be constructed according to our ordinance except for the vehicle holding area, and our committee recommends approval.

MOTION was ADOPTED 7-0.

Mr. Adelman said there is a six waiver request in which he asked the Board to consider this plan as a preliminary/final plan.

Mr. Dodies said that is noted on the resolution.

Solicitor Kerns suggested the fourth condition be noted on the resolution that the applicant agrees to pay a \$3,000 unrestricted contribution to the Township.

The applicant agreed.

Comm. Martin made a MOTION, seconded by Comm. Efkowitz to adopt Resolution R-2007-09 granting preliminary/final land development approval to Zaremba Land Development.

MOTION was ADOPTED 7-0.

**OTHER ITEMS:**

2325 Maryland Road:

Comm. Martin made a MOTION, seconded by Comm. Hotchkiss to approve an agreement to allow sign to remain within Township's right-of-way at 2325 Maryland Road.

Comm. Martin said this is a pre-existing aluminum sign located two feet of the 64 ft. wide Township right-of-way. Our Committee recommends that the sign remain in the right-of-way and a new permit be issued for some minor changes proposed for the sign. Our Solicitor drew up the agreement between the Township and the property owner. The property owners have agreed to move the sign back two feet when we mandate sidewalks in that area.

Solicitor Kerns said the applicant understands that this is a license agreement so it can be removed at any time.

Comm. Booth asked was the agreement signed by the owner?

Solicitor Kerns replied he does not know.

Comm. Hotchkiss said the cost to refurbish the sign is minimal and they are willing to abide by our rules and regulations.

MOTION was ADOPTED 7-0.

25 Church Street:

Comm. Martin made a MOTION, seconded by Comm. Efkowitz to approve funding in the amount of \$1,000 so that our Public Works Dept. can redirect water into adjacent inlet from street and sidewalk located at 25 Church Street.

Comm. Martin said our Township Engineer, John Chambers went to the site and determined this problem is not the responsibility of the resident.

Mr. Snyder said he knew how to fix it inexpensively, but needs approval by the Board to release the funding.

Comm. Booth asked Mr. Dodies if it was determined that it was not private property and it is the Township's responsibility.

Mr. Dodies replied yes, all the work was done in the right-of-way.

MOTION was ADOPTED 7-0.

2007 Milling Project:

Comm. Martin made a MOTION, seconded by Comm. Efkowitz to award the bid to the lowest bidder, Joseph E. Sucher for the 2007 milling project.

Comm. Martin noted that we received seven bids on April 9<sup>th</sup> and the lowest bidder came in at \$1.89 sq. yd.

MOTION was ADOPTED 7-0.

Highway Paving Materials:

Comm. Martin made a MOTION, seconded by Comm. Hotchkiss to award the bid to the lowest bidder, Eureka Stone Quarry for the highway paving materials.

Comm. Martin noted that we received three bids and Eureka was the lowest bidder.

Comm. Booth asked Mr. Dodies if these bids were in the parameter of our budget.

Mr. Dodies replied yes.

MOTION was ADOPTED 7-0.

**PARKS & RECREATION COMMITTEE:**

*There were no action items at this time.*

Comm. Efkowitz announced that on Wednesday, June 6<sup>th</sup> the draft of the Comprehensive Plan will be discussed and reviewed. It is available to the public at the Parks & Recreation office, the Upper Moreland Library and will be posted on our website.

**PUBLIC HEALTH & SAFETY COMMITTEE:**

There were no action items at this time.

Comm. Hotchkiss said we have the use of a home located at 450 West Monument Avenue for the Fire Department to use for training operations, and he thanked the homeowner for providing it.

**REDEVELOPMENT COMMITTEE:**

Comm. Romaniello made a MOTION, seconded by Comm. Hotchkiss to adopt Resolution R-2007-08 authorizing Econsult to perform an economic impact study for RACP Application.

Comm. Romaniello said the RACP stands for Regional Assistance Capital Program, which is a State program. The Township is eligible for \$5 million and the application is due by the end of June. The Township is preparing the application and KSK is looking for support from Econsult to prepare a regional and/or multi-jurisdictional economic impact analysis for the grant application. The money will be used for acquisition projects, road reconstruction and public infrastructure improvements.

Comm. Efkowitz said the authorization to engage Econsult for the purpose of performing the impact analysis is not to exceed \$4,000.

Mr. Dodies said this resolution is to authorize Econsult's services and that amount would have to be added to the resolution.

Comm. Crilly recommended amending the motion.

Comm. Efkowitz suggested a not-to-exceed amount of \$5,000 to provide the economic impact analysis.

Comm. Romaniello made a MOTION to AMEND the MOTION, seconded by Comm. Efkowitz to adopt Resolution R-2007-08 authorizing Econsult to perform an economic impact analysis in conjunction with a grant application to the Commonwealth of Pennsylvania's Regional Assistance Capital Program (RACP) not to exceed an amount of \$5,000.

Comm. Booth asked for the amount of the grant.

Comm. Romaniello replied she does not know at this time.

MOTION as AMENDED PASSED 7-0.

There was no new business at this time.

**COMMISSIONER COMMENTS:**

Comm. Efkowitz said she attended the Pennsylvania State Association of Township Commissioners' Meeting on April 21<sup>st</sup>. Some important items to note regarding the Solicitor's report: Robertson vs. Henry Clay Township is a zoning issue, which would force Townships to allow nonconforming use by issuing a variance even though that nonconforming use has been demolished. Also, regarding outside inspectors approving completed work, currently we use our Code Enforcement Officer to approve projects in the Township, and this case would allow anyone's inspector to approve the project.

Act 156 is security related to infrastructure. It is exempt from open records rules. Countywide EIT collection is still an item of interest. Notification of School Districts regarding residential development, which is, if any residential development occurs within the Township, we would be required to notify the School District. Compensation of the Tax Collector was another issue and one of the Townships in York County has asked their representative to introduce an amendment to the First Class Township Code that would allow for a separate appointment of a Township Treasurer, in addition to the elected Tax Collector. A lot of these lobbying efforts are underway as well as the sale of the PA Turnpike. There will be a legislative update at the Convention on June 22, 2007

Comm. Booth asked is the State aware of our Turnpike Resolution and do they support it?

Comm. Efkowitz replied yes, the First Class Townships have gathered together and agreed to support our efforts to stop the sale of the PA Turnpike.

Comm. Hotchkiss said he attended the Boileau Festival on Saturday and he commended those who were involved in that demonstration. He hopes the community will give the Board of Commissioners direction on what we need to do to preserve that property. It will take community support to fund the preservation of that property.

Comm. Booth said he was disappointed to see in the newspaper a couple of weeks ago that our new appointments to the Zoning Hearing Board generated bad publicity for the Township.

Comm. Romaniello said we discussed in the redevelopment committee meeting about concrete versus curbing for the War Memorial Park area. There is 1,300 feet of curbing throughout the parking lot. More information was given to the Board about granite versus concrete and concrete will last about 40 years, but granite will last a lot longer.

Comm. Efkowitz suggested using concrete because it is less expensive. She feels there will be a lot of upfront expenses for the Township regarding redevelopment.

Comm. Romaniello said granite is more difficult to install later.

Comm. Efkwitz suggested discussing this in committee rather than voting on it tonight.

Comm. Crilly agreed.

Comm. McKenna said John Chambers is working on the drawings now and the plans are being designed by the committee's decision and not the Board's decision. Granite would enhance the appearance of the park and we should use the best materials today instead of doing a reconfiguration of the park and wasting taxpayers' money.

Comm. Hotchkiss said he has a safety concern using granite versus concrete in that granite becomes sharper and cuts and is more dangerous. Safety outweighs beauty.

Comm. Crilly asked do we need to make a decision now?

Mr. Dodies replied for Mr. Chambers to proceed, he needs direction from the Board.

Comm. Crilly polled the Board to vote on granite versus concrete.

Comm. Romaniello voted for granite.

Comm. Crilly voted for granite.

Comm. Efkwitz voted for concrete.

Comm. Booth voted for granite.

Comm. Hotchkiss voted for concrete.

Comm. Martin voted for granite.

Comm. McKenna voted for granite.

The Board voted 5-2 for using granite curbing for the entranceway to the park.

Comm. Romaniello said she received calls from residents who thought the Board was videotaping for air on Comcast. They asked if the Board of Commissioners would consider posting the results from our Regular meetings on the website.

Comm. Efkwitz replied our meeting minutes are posted online.

Comm. Crilly recommended placing this item on the Finance & Administrative Committee meeting agenda to discuss it.

Comm. Crilly introduced Mike Casey our School Board Director who asked to speak this evening.

Mr. Casey said he has been a resident of Upper Moreland Township for 16 years. This is his fourth year as School Director and he is a member of the Parks & Recreation Steering Committee. He would like to promote ongoing communication between the School Board and the Board of Commissioners, which will help prevent any misunderstandings between the two Boards.

Comm. Booth asked Mr. Casey if he is here tonight as an official member of the School Board.

Mr. Casey replied yes. The School Board created this liaison position.

Comm. Efkwitz thanked Mr. Casey for serving on the Parks & Recreation Steering Committee. We have a meeting on May 10<sup>th</sup> with the Business and Facilities Managers to discuss what we can do to improve the community use of our fields and community buildings in the Township.

Mr. Casey said the School District will be having a meeting on June 6<sup>th</sup> and one of the topics will be the possible demolition of the Cold Springs Elementary School.

**ADJOURNMENT:** 9:00 p.m.

Respectfully submitted,

S. Elizabeth Vile



# Tax office mess <sup>Submitted by</sup>

*Ethics Commission comes down hard on Walter*  
3/10/09 *George Detwiler*

UPPER MORELAND TAX collector Robert Walter, in office for more than two decades, has been found guilty by the state Ethics Commission of collecting more than \$44,000 in unauthorized tax certification fees over a five-year period and not paying federal taxes on the amount he collected.

One of the people who are hopping mad over the Ethics Commission findings is township commissioner James Martin, who in a lengthy letter to the editor detailed his initial confrontations with Martin about the irregularities, his frustration with the answers to his questions and his subsequent inquiry to the state board.

The commission has ordered Walter to pay a \$20,000 fine, in \$1,000 monthly increments, to avoid further legal entanglements.

At the time Mary Martin (James Martin's wife, who ran against Walter in 2005) first disclosed the possible problem, Walter pooh-pooed the whole thing, calling the fees "insignificant" and saying after he was re-elected that he had been vindicated by the voters. Nevertheless, the commissioners quickly passed an ordinance authorizing the tax certification fees, which had somehow grown from \$2 in 1981 when Walter took office to the current \$25. According to the Ethics Commission, Walter was pocketing at least \$8,000 a year for himself by 2001.

Curiously, after state investigators began snooping around, Walter also filed amended federal tax returns each year from 2001-05 showing an additional \$46,000 in income. Insignificant for a millionaire, perhaps, but not for most of us.

Commissioner Martin has two concerns: How much additional money might Walter have collected (the tax collector admits he did not retain any records of the number of tax certifications issued); and should he have to turn over any of the money (the unauthorized fees) to the township?

Martin accuses some of the powerful people in Upper Moreland of playing politics to protect their tax collector. That may or may not be so. But township taxpayers, the everyday men and women, should be outraged at this abuse and/or incompetence in the tax collectors office. We've said before the whole local tax collection system with elected tax collectors should be chucked for a more efficient system. As far as we know, most elected tax collectors are honest individuals. But their services are unnecessary today, and the system is ripe for abuse and mismanagement.

Walter no longer collects the township's income tax or that of the school district; his contract to do so was not renewed. Nevertheless, his long years of "service" to the township will not soon be forgotten — for many of the wrong reasons. And what about the state and local taxes Walter may owe on his "amended" income? James Martin asks.

That's a story for another day.

EDITORIAL BOARD

# Upper Moreland

# Tax collector owes \$20,000

By JACOB FENTON  
THE INTELLIGENCER

Upper Moreland Tax Collector Robert D. Walter violated state ethics law by collecting more than \$44,000 in unauthorized tax certification fees between 2001 and 2005, the state Ethics Commission found.

Walter will have to pay \$20,000 in \$1,000 monthly increments to the commission to avoid a recommendation that law enforcement agencies get involved.

After township commissioners learned in 2005 that there was no law on the books authorizing the fee, they passed an ordinance allowing Walter to continue charging \$25 to title companies and private citizens who needed a certificate proving that taxes were up to date on land to be sold.

The commission's report also found that Walter hadn't paid federal income taxes on the money that he had collected from the fees. After state investigators began looking into the matter, Walter amended five years of his tax returns to show an additional \$46,000 in income.

Walter and his attorney, Lawrence Sager, could not be reached for comment late Wednesday afternoon.

Upper Moreland Commissioner President Mike Crilly said Wednesday he was unaware of the ethics ruling, and didn't want to comment until he had a

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Robert D. Walter

# Walter

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chance to read it. Township solicitor Bob Kerns couldn't immediately be reached late Wednesday.

When Walter took office around 1981, he inherited the practice of charging a tax certification fee of \$2, according to the ethics finding. The ruling gives no record of how the fee increased over the years, but by 2001 Walter was charging \$20 — and making at least \$8,000 a year for himself.

Questions were raised about Walter's overall accounting practices after Upper Moreland School District realized he hadn't been completing yearly audits as required. His contract to collect income tax for both the school district and the township were not renewed.

While income tax collection is a contracted duty, township real estate collection is an elected position, so Walter continued working in that capacity.

The question of whether the real estate tax certification fee was authorized was first raised by Mary Martin, who ran against Walter for tax collector. She is married to Jim Martin, a township commissioner who's been especially vocal in ques-

tioning Walter.

Mary Martin lost her bid to become tax collector, but her concern about whether Walter's certification fee led township commissioners to pass a resolution authorizing it.

In a 2005 letter, Sager accused Jim Martin of having a "grudge" against his client.

On Wednesday, Martin said his tough stance had been vindicated by the Ethics Commission's finding.

While in office, Walter has been mired in an ongoing township tax controversy after he said he lost years of tax records following a dispute with a subcontractor. Local officials have set aside roughly \$600,000 that Upper Moreland may have to pay out to other townships that are owed a portion of late tax payments that may not have been properly accounted.

Walter has said all of the money was deposited into township accounts, but one of two audits found there were insufficient records to prove that was the case. The other audit found no problems; a third, more detailed forensic accounting report is expected to be released later this month.

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