

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

REGULAR MEETING MINUTES

October 1, 2007

CALL TO ORDER: A Regular meeting of the Board of Commissioners of Upper Moreland Township was called to order by the President of the Board of Commissioners, Michael Crilly, at 7:00p.m.

A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Commissioner Crilly asked the Township Manager, David A. Dodies if there were any presentations and/or announcements. Mr. Dodies replied there were none.

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

Others: David Dodies, Township Manager, and Robert Kerns, Township Solicitor.

Public Comments – Non Agenda Items Only

A resident commented that she was surprised she received something in the mail that indicated one of the Commissioners was involving PennDot to repave Terwood Road. She understood that the State and County have their own time table and that township officials are not involved in their decisions but their time frame is according to the conditions of the roads. I would ask that the Commissioner who made that statement refrain from doing anything.

TREASURER'S ACTIVITY REPORT:

Commissioner Booth made a MOTION, seconded by Commissioner Hotchkiss to approve the Treasurer's Activity Report for September 2007.

Commissioner Booth commented that the general fund expenditures for the month of September were \$971,044.00, the receipts are \$1,157,745.00 and the ending balance was \$2,607,829.00. There are also a variety of other funds that have fund balances and I would also note that this monthly Treasurer's Report is a summary of receipts and expenditures only and if anyone is interested in a complete financial statement they should see the Township's Finance Office.

MOTION was ADOPTED 6-0.

APPROVAL OF MINUTES:

Commissioner Booth made a MOTION, seconded by Commissioner Hotchkiss, to approve the minutes of the September 10, 2007 Regular Meeting.

There were no additional Commissioner comments.

There were no public comments.

MOTION was ADOPTED 6-0.

Committee Recommendations:

Commissioner Crilly stated he wanted to remind anyone watching from home that the Action Items that will be voted on tonight were discussed extensively in the Committee Meeting of last month. There may be additional discussions on each item this evening but the bulk of discussions occurred in the Committee Meetings.

FINANCE & ADMINISTRATIVE COMMITTEE:

Appointments:

Commissioner McKenna said we have an appointment for the Upper Moreland Historical Commission but are still waiting to hear from the applicant. I would like to move this appointment to the next Board Meeting.

Commissioner McKenna made a MOTION, seconded by Commissioner Hotchkiss to appoint Bill Kuhfuss to the Upper Moreland Historical Commission for a 3 year term expiring on September 9, 2010.

Commissioner Comments:

Commissioner McKenna commented that it is his understanding that Mr. Kuhfuss is looking forward to being involved with the Historical Commission and we are always looking for people to join this group so we certainly do support his candidacy. His application looked fine and with this I ask if there are any other Commissioner comments.

Commissioner Crilly stated that he knows Bill because he sits on the Commission. He has been working with the Commission contributing in some of the activities. He has been pitching in and certainly has been an asset to the Commission. He believes that his appointment is well deserved.

There were no Public Comments.

Commissioner McKenna made a MOTION, seconded by Commissioner Martin to appoint James McKay of Ward 6 to a 2 year term to the Parks & Recreation Advisory Council his term to expire on October 2, 2009.

Commissioner Comments:

Commissioner McKenna stated that all the Commissioners have had contact with Jim over the last two years. Although we don't always agree with some of his ideas we certainly appreciate his passion and the work he does. He puts a great deal into the Parks & Rec in our community and I certainly do support him for this position.

Commissioner Martin stated he had spoken with Jim McKay and said that he is very interested in serving for another term. Jim McKay, as we all know, has some good insights and experience and he is considered a key member of the Parks & Rec Council right now and he is hoping to finish up some of the projects that he has been working on. I know that he is held in high regard by his fellow council members so I encourage all my fellow Commissioners to vote for him for another term which will be a total of 10 years.

Commissioner Booth commented that he served with Jim McKay and knows that he is a very active member and very diligent about attending the meetings and does a good job and makes a lot of contributions. He well deserves another appointment.

Commissioner McKenna asked that Mr. Dodies send out letters to the appointees.

There were no Public Comments.

MOTION was ADOPTED 6-0.

List of Bills Payable:

Commissioner James McKenna made a MOTION, seconded by Commissioner Romaniello to approve the list of bills payable as follows:

General Funds Checks:		Beginning Check	#83041
		Ending Check	#83294
General:	\$379,210.83		
Debt:	<u>\$137,286.22</u>	(Check #s 83041 and 83042)	
Total:	\$516,497.05		
Voids:	83163		
Escrow Fund Checks:		Beginning Check	#6769
		Ending Check	#6778
Total:	\$10,106.15		
Voids:	None		
Liquid Fuel Fund Checks:		Beginning Check	#1734

		Ending Check	#1739
Total:	\$1,361.75		
Voids:	None		
Revolving Funds Checks:		Beginning Check	#1732
		Ending Check	#1734
Total:	\$13,673.12		
Voids:	None		

There were no Commissioner or public comments.

MOTION was ADOPTED 6-0.

OTHER ITEMS:

Commissioner McKenna made a MOTION, seconded by Commissioner Booth for the Adoption of the Investment Policies for the Pension Funds.

Commissioner Comments:

Commissioner McKenna commented that this was just a refinement of our past investment policy and that it basically states we will make safe investments and shows different proportions. John Crawford has worked very well on this document and he had read through it and found it very comforting to see both Joe Hagy of the past and also Paul Rutherford from my Ward who are experts with finances and I trusted both of their inputs in the past. Joe is no longer with us but I do certainly trust his financial guidance in this issue and I am in favor of this as well.

There were no public comments.

MOTION was ADOPTED 6-0

Commissioner McKenna made a MOTION, seconded by Commissioner Romaniello for the Snow and Ice Removal Contract with PennDot.

Commissioner Comments:

Commissioner McKenna commented that this is our annual allocation and that PennDot has a small portion of the roads they are responsible for and what they do is reimburse us money. Instead of them sending trucks out to do a small section of road it is more efficient for them to subcontract to us. We are actually in favor of this from a point that we feel we do a better job with the roads and have a quicker response time so we are more confident having this in the hands of Upper Moreland's Public Works instead of in PennDot's hands. I am in favor of this one as well as the next one that we will be mentioning for the county.

Commissioner Romaniello mentioned that this actually includes 52.7 lane miles. That's not linear mileage I guess 22.25 is the linear mileage. This was just an information fact.

Commissioner Booth commented in regard to the Snow and Ice Removal Contract with PennDot and the County that the Township would do these roads anyway because they are important main roads and we would wind up doing these roads just so we could get our citizens out and moving in case of any ice or snow storm. Even though they are not our roads PennDot and the County offers money to us to do this so whether it's enough money to do the roads or not is beside the point. We need to open up those roads and we're getting some income from the state and county so that is why we do it.

There were no public comments.

MOTION was ADOPTED 6-0.

Commissioner McKenna made a MOTION, seconded by Commissioner Martin for the Snow and Ice Removal Contract with the County.

Commissioner McKenna stated that this is the same as we did with the State and this one is with the roads that the County is responsible for. The same holds true with this one so I ask the members of the Board to vote in favor of this as well.

There were no additional Commissioner comments.

There were no public comments.

MOTION was ADOPTED 6-0.

Commissioner McKenna made a MOTION, seconded by Commissioner Romaniello for a contract with TelVue to provide services for the Township Public Access Channel.

Commissioner McKenna stated that this contract will be for the new television station that is coming on line. This one is with Comcast and we also have to continue one with Verizon. They are an outside company that will set up the station. We will be able to send them the information they need and they will run the programs on the station. Just so everyone knows there will be two public access stations. Right now one is maintained by the School Board and there will be one for the Township as well and that is what this contract is about.

Commissioner Romaniello commented that she thinks the Board also is going to be establishing some type of policy on reviewing or how the content would come to the Township that may want to be put out to the public. We will probably have to discuss that at some point in the Finance and Administrative Committee.

Mr. Dodies responded by saying that upon this execution or proceeding with this contract we are looking probably at a six to eight week lead time start-up. We can obtain sample

policies from other municipalities which govern regulation of content in those areas. As you can see from the Letter of Intent that TelVue services are widely used in our area and other Townships are pleased with them. They find them to be very cooperative and have no difficulty in funneling the desired content through their service. Again, I think it is a very wise thing to do to establish that policy because we are always receiving requests for broadcasting even though we haven't actually launched the service yet. I would ask that it would be placed on the agenda for the next time.

There were no additional Commissioner comments.

There were no public comments.

MOTION was ADOPTED 6-0.

Commissioner McKenna made a MOTION, seconded by Commissioner Booth to authorize the acceptance of a letter of credit from the School District in the amount of 1.5 million for public improvements to be constructed as part of the Upper Moreland High School Renovation Project.

Mr. Dodies commented that the letter of credit from the School District had already been received but wanted to do this formerly in a public session because of the fact the District wanted to get their work started and we wanted to facilitate that. Our engineer is finalizing the actual cost estimate for public improvements; however, he is extremely comfortable with the 1.5 million set aside. He believes, in fact, that the actual amount of public improvements will be substantially less than that but we did not want to hold the District up. Normally this would be done just by the engineer's office and we could sign off on it but since he hasn't finalized his number we would like the Board's approval tonight.

Commissioner Booth commented that the letter of credit relates to the construction of the new high school and all the physical structures that they are going to have to build and this is the guarantee that they are going to do all the water projects and everything that they have on their land development plan.

Mr. Dodies replied that that was correct.

Commissioner Booth stated that he was just saying that for the public.

There were no additional Commissioner comments.

There were no public comments.

MOTION was ADOPTED 6-0.

Community Development & Public Works Committee

Commissioner Martin commented that subdivisions are relatively uncommon in our Township so he wanted to make an announcement about two that are coming up during the October 15th committee meeting. We have one subdivision application to discuss involving a property at 2105 Huntingdon Road in Huntingdon Valley. The second one that will be discussed during the same evening will be for a property at 2600 Horsham Road in Hatboro. These two applications may be of interest to neighbors living nearby so we invite them to attend the October 15th meeting to ask any questions or to make any comments expressing concerns that they might have regarding these two applications.

Also on October 15th on the same evening we are also going to have a Public Hearing to consider a new request made by Abington Hospital to create a Commercial Zoning District for their property which joins the new Home Depot location by the Turnpike. During the October 15th Public Hearing the public will have the opportunity to review and comment on this new proposal. A copy of the draft ordinance is available at the Township building. This ten acre parcel is currently zoned institutional and the proposal from Abington Hospital is to reclassify their property as a Unified Commercial District. Bruce Goodman will be here representing Abington Hospital and will be making a presentation so we invite anyone having an interest in this request to come out that evening.

Commissioner Martin made a MOTION, seconded by Commissioner Romaniello to approve Resolution No. R-2007-21, which will waive the requirements and meet the Township standards for highway paving standards at 800 and 810 S. York Road. This property is known as the Bonnet Lane Shopping Plaza.

Commissioner Martin replied that our business owners are important to us and during our committee meeting we worked with the owner to limit his financial burden as much as possible as far as the driveway is concerned. With the help of the Township engineer we worked out something agreeable to all parties. Sam, the owner, is hoping to complete the pavement work on the driveway located at the rear of the building. The owner has asked us to waive the specifications for highway standards. PennDot's standards are guidelines used by our Township to help us determine how thick the different layers of stone asphalt must be.

Commissioner Martin stated that our engineer from Chambers Associates is willing to accept an alternative blend. This paving blend was worked out during our committee meeting. As a condition of this waiver approval the owner has agreed to clean up the parking lot, move the trash dumpsters to the rear driveway once the new paving is installed and has agreed to keep the area clean of trash and debris and limit the use of the driveway for utility vehicles and police cars patrolling the area. One of the conditions to be met before this meeting was to clean the parking lot up and that has been done.

Commissioner Booth commented that he looked at the parking lot. The owner put forth some effort to clean it up and it looked as if he did it a couple days ago but he can see where trash is starting to creep back in again. He stated that he did a good job on the sidewalks and the trees look nice but suggested that in order to keep the place clean he

needs to hire someone to pick up the trash a couple times a week. He hopes the owner would keep up the parking lot because it is a nice little shopping center for the community.

Commissioner Hotchkiss commented that the owner worked on the property as far as cleaning up but like Richard he would like to see it continued. He stated there isn't a week that goes by that I don't get two or three phone calls or emails about the condition of the property.

Public Comments:

Michelle Toth, 705 Burdridge Road, Hatboro stated that the property does look a lot better and wanted to state for the record that the property needs to be kept in the current condition and not deteriorate and would like to know what the frequency would be.

Commissioner Crilly responded by stating that if someone should see the property getting to the point where it is unsightly again they should contact Paul Purtell. The Board of Commissioners has directed Mr. Purtell to aggressively enforce our code for that property and to make sure that it is maintained.

MOTION was ADOPTED 6-0.

Commissioner Martin made a MOTION, seconded by Commissioner Booth to approve Resolution No. R-2007-22, which is the Township's acceptance of the fee in lieu of the required planting of twelve trees at the property located at 3615 Davisville Road.

Commissioner Martin commented that at the last committee meeting there was a letter from the landscape architect approving this fee. They were finishing their inspection of the property and realized that twelve plantings should have been installed near the rear of the building. The owner of the building decided to pay the "fee in lieu of" and the Township's landscape architect made the recommendation also. The amount of the "fee in lieu of" will be \$4,460.00. We can use that money to plant twelve trees somewhere else in the Township where it's needed. He believes it is a good idea because it is an industrial property and the trees wouldn't be seen from the entrance of the property so we could use those trees somewhere else in the Township.

Commissioner Hotchkiss stated that he did visit the property and as he stated at the committee meeting he agrees with the waiver for the trees. It is an industrial zone and there was a huge dumpster there but things have gotten better. We need to encourage the commercial properties even though they are in an industrial situation to keep their properties in order as well.

Commissioner Romaniello asked if this was all previous material and how much of the lot itself? Did the landscape architect feel that there was sufficient landscaping on that property?

Mr. Dodies replied yes he did.

Commissioner Booth stated for a matter of information that often with our landscape architect's recommendation we will accept payment in lieu of trees and we only do this when the circumstances are such that the trees can easily be planted on a property and we put this money aside and then we use the money to plant trees throughout the park system in the Township. This is something we do from time to time as no big favor for this particular individual but as more of a policy we follow.

There were no public comments.

MOTION was ADOPTED 6-0.

Commissioner Martin made a MOTION, seconded by Commissioner Romaniello to approve Resolution No. R-2007-23, which will grant the property owner at 250 Madison Avenue the permission to replace an existing retaining wall that is located in the Township's right of way and also to permit the owner to construct a 22' wide driveway.

Commissioner Martin stated that they did discuss this at length in committee. The owner had to wait a long time for our guidance on this project because we did not have any committee meetings during August so I apologize to the homeowner that they had to wait so long for our decision. He believes that it is reasonable to allow the new retaining wall to be placed in the Township's right-of-way because the old retaining wall is there now and the owner wishes to replace an old wall that is falling down with a new and improved wall. On the second waiver request involving the proposed driveway width keep in mind that this is a large corner property with a lot of open green areas for suitable absorption of storm water so moving the driveway width from 18' to 22' is not a big deal for this particular corner property. Impervious surfaces are not an issue according to our Code Enforcement Officer. A new retaining wall would improve the property and contribute to the overall look of the neighborhood which is a win-win situation for everybody. The committee recommends approval of the waivers.

Commissioner Hotchkiss stated that he visited the property and saw that the conditions are extremely dangerous and he agrees with widening it because the more cars we can get off the roadway the better. I have a question for the solicitor regarding both of these we are voting on tonight and that is although we are granting this waiver to the current owner I don't see where it says at their cost.

Solicitor Kerns responded by saying that there is an agreement that he will be preparing which will incorporate that and will be executed by the lien owners. He believes that it is recorded and the recording obviously then falls to any heirs, successors and assigns of the property owners.

Commissioner Booth commented that this particular wall is just replacing another wall that is already there and the owner of the property has an inconvenience because he

cannot park his car in his driveway. In the right-of-way in that particular street there is very little likelihood that the Township is going to expand the width of that street, it is a suburban street, it's been like that for probably 50 years and we are taking all due precautions in case some future board would have a reason for expanding. It is a matter of course for a lot of property owners in a suburban residential area.

There were no public comments.

MOTION was ADOPTED 6-0.

Commissioner Martin made a MOTION, seconded by Commissioner Hotchkiss to approve Resolution No. R-2007-24, a request for a waiver to place a retaining wall within the Township's right-of-way.

Commissioner Martin commented that it was agreed during the committee meeting to have Township officials go out and inspect the right-of-way and the structure that is there now and make a determination.

Solicitor Kerns replied that it was his understanding that the inspection was done and the Township staff approved the Resolution. The only comment he had on the Resolution is that the wall is a consistent 24" high and that is what we had in the Resolution and my understanding of it was that once we looked at it, it apparently jumps a little so we have to modify the Resolution to say no greater than 34". It is the maximum height. We just need to change that in the Resolution. We can adopt that Resolution and we will just modify this one.

Commissioner Martin commented that this will grant the property owner at 17 Abbeyview Avenue and the contractor the permission to replace the existing retaining wall that is located in the Township's right-of-way. The landscaping company that was hired by the property owner is requesting our Board to allow this retaining wall, it is self explanatory.

Commissioner Crilly asked if they have to amend the motion in any way to reflect the 34" as opposed to 24".

Mr. Dodies replied that it was discussed before.

Solicitor Kerns replied that this is just a compilation of what was decided orally and then it gets put on paper and executed by you and the secretary. What you finally decide from the dais is what exactly gets recorded and is part of the Resolution.

Commissioner Martin commented that they have a lot of other properties nearby that have walls in the right-of-way. I just want to make a point that along Abbeyview there are many other properties.

Commissioner Romaniello commented as Commissioner of Ward 1 it is true that Abbeyview, Fern, all the streets headed up to the highest point in Montgomery County at the top of Woodlawn are all very steep streets and most of those streets have to have a retaining wall just to create a drive.

There were no public comments.

MOTION was ADOPTED 6-0.

Parks & Recreation Committee

Commissioner Booth made a MOTION, seconded by Commissioner Romaniello to approve Resolution No. R-2007-25, Comprehensive Parks & Recreation Final Plan.

Commissioner Booth commented that on the motion for the Comprehensive Parks & Recreation plan that it was something we discussed at a few meetings. We had a public hearing on it and everybody knows it is a very large plan and we have spent a lot of dollars doing this and the plan is something that is required by the state and if we don't have a comprehensive park and recreation plan we cannot apply for grants so it is important for the Township and the political entities to go through and put together a comprehensive parks and recreation plan and if for no other reason so we can get the grants. A more important reason for doing this periodically is to take a look at our parks and recreation facilities and get a sense of what the citizens of the Township want. We sent out a survey to everybody in the Township and we got hundreds of answers, we had personal interviews to get their opinions and we ended with a good plan. In the plan is a wish list of what the people of Upper Moreland would like to see for their recreational facilities for the next ten years. The only thing is they did not assign any cost to this wish list. We have a lot of work here for the Board of Commissioners over the next few years to try to put together the wants of the people of Upper Moreland with what they can afford. If anybody wants a copy of this it is available from the Township Manager's office. It talks about more ball fields and the possibility of synthetic fields and identified properties where we can put these. They talked of a center for the Township where there would be basketball courts and meeting rooms, etc. It is a blue print for the future.

Commissioner Romaniello stated that she recognized the committee's efforts and there are a lot of things entailed in the entire plan. Her vote tonight will not signify an endorsement of what she would consider a lavish wish list of ideas that the Board will think about. The survey results made up 20% of the cost of the overall marketing research and it gave a very good indication as far as where our public needs and interests are. For example, the most popular activities are the affordable low cost improvements such as walking trails, allowing dogs in certain parks, skate parks and I am going to be placing the highest importance on the information that was gathered from the phone and mail surveys that we utilized in that plan. The survey captures a snapshot of what the senior citizens who are somewhat under represented and I would say teens who are not necessarily involved in organized sports want. It does capture their needs and interests and what they would like to see from the community and parks system. Our parks and rec

budget is a little over a million dollars and in some ways it seems like we have insufficient funds to carry out all the things we want to do. She thinks that it is a great plan, the committee worked extremely hard and they have excellent information but she is not supporting the wish list as something that could even be attempted in the next three years because it is going to take an extraordinary amount of funding to pull that off.

There were no public comments.

MOTION was ADOPTED 6-0.

Public Health & Safety Committee

Commissioner Hotchkiss stated that there were no action items.

Redevelopment Committee

Commissioner Romaniello made a MOTION, seconded by Commissioner Martin for the Board of Commissioners to set a date of October 15, 2007 at 7:00 P.M. for a Conditional Use Hearing concerning an application to use a property at 3 Easton Road for a restaurant located in the town center's zoning district.

Commissioner Romaniello commented that the property owner had come to the committee meeting and was asked to submit a letter to the Township Manager regarding his request to waive land development and he has done that.

Solicitor Kerns commented that there was a lot of discussion because there is some real issues relative to parking as far as this application is concerned and this is the first application that has come in and we are actually going to be putting together an application form and try to formalize this process a little bit better for future applications. I think you have to make sure that John Chambers takes a really good look at this as well as Paul Purtell relative to the zoning issues. There is some issue as to what the parking would be like in the town center district and one of the things I suggested to the applicant was to make sure that he had some clear ideas as to where the people who were going to use the restaurant would park, maybe some shared parking arrangements with other partners. I made it very clear to him that it would be his burden at the Conditional Use Hearing.

Commissioner Romaniello asked if they could make that issue one of the conditions that the applicant would have to work out with the adjacent property owner for shared parking.

Commissioner Crilly stated that presently we have a motion to set a date for a Conditional Use Hearing; however, are you suggesting that we should include a motion to waive land development.

Solicitor Kerns replied yes.

Commissioner Crilly asked if it would be a part of this motion or a separate motion.

Commissioner Romaniello asked if she should make a second motion.

Solicitor Kerns responded by saying a second motion.

Commissioner Booth stated that John Chambers should look at the water runoff to make sure it is not going to be problem. I know that it is a redevelopment property but we still want to make sure that there are no existing problems that should be corrected.

Solicitor Kerns replied that he agreed with Commissioner Booth and stated that in any waiver of land development, a waiver of code requirement means that it always has to be compliant with code and the zoning code officer and the engineer would need to take a look to make sure that there are no other issues. That would be according to land development approval being conditioned as part of the conditional use decision. We have to set the hearing within 60 days which we are doing and you have 3 to 5 days to render a decision. We will have it ready to go if you wish to act on it that night but not necessarily have to.

Mr. Dodies clarified that the Solicitor will advertise a Conditional Use Hearing for the 15th and action on the Request for Waiver for Land Development will occur as part of this motion. So we will be granting that waiver tonight.

Solicitor Kerns replied yes.

Commissioner Booth asked if they were going to grant the waiver for land development tonight.

Mr. Dodies replied that it was up to the Board.

Commissioner Booth asked if they have enough information to do that without Mr. Chambers having commented on the water runoff.

Solicitor Kerns commented that waiving land development does not necessarily mean you have to make a decision that night. It just means that he doesn't have to make a formal application. For example, you could grant conditional use that evening and hold off on land development until you were satisfied and all those requirements were met.

Commissioner Booth asked if John Chambers found some problems with the property then we would not go ahead and we might send him back saying you have to go through a formal land development.

Solicitor Kerns replied that John Chambers will review all codes because you haven't waived any provisions in the subdivision or land development or any provisions in the zoning code. All you are doing is waiving the process and the process is you do not have

to take the extra step to go to the APA. That is basically all you are doing this evening. It still has to be code compliant before you can approve land development.

Commissioner Romaniello mentioned that it is an adapted reuse so it is an existing site and there are no exterior changes being made to the current conditions.

Solicitor Kerns stated that the applicant stated that.

Commissioner Martin mentioned that the parking requirement is being met by the applicant because it is under the new town center zoning and according to Paul Purtell he only has to have 6.2 parking spaces for the restaurant itself with 5 or 6 more for employees. He does meet the requirement but the sharing is a good idea.

Solicitor Kerns commented that the Board could put reasonable conditions on any conditional uses they granted. One of the advantages of doing it this way is a chance to see the entire application at one time.

Commissioner Booth stated that right now we really do not know if he really has adequate parking because he came in with his own hand drawn map and we do not know if he conformed to our parking needs.

Solicitor Kerns stated that it was a lot of things that happened which is why the parking was set the way it was. That is why we made sure we put conditions in this so that you would have that kind of hold on the applicant with the conditional use process. It does give one a good check.

Commissioner Martin stated, for the public, this property is at the corner of Easton and Moreland Roads. Right now the property is vacant and we are trying to encourage a small business owner, which would be a great idea for this property. This is why we are working with the property owner trying to get him through the red tape of land development.

Commissioner Booth stated that we want to encourage these kinds of things but we need to balance it with certain controls because we do not want to let someone come in and all of a sudden it creates problems with parking and we would get a lot of complaints so we want to make sure it is done right.

Commissioner Crilly asked Solicitor Kerns at what point can the applicant begin renovations to the property.

Solicitor Kerns replied that the applicant would need zoning approval first. He would have to get a building permit which would not be granted until he had zoning approval. You cannot use a property until you get a building permit that is why he came before the Board the other night because he is looking to get his financing in place so he can start the renovations.

Commissioner Crilly asked if the applicant understood that.

Solicitor Kerns stated that he made it pretty clear and he hopes he did.

Commissioner Crilly stated that they received a letter from the applicant which suggested that he would like to begin renovations as quickly as possible. Can we communicate to him that he cannot do anything.

Solicitor Kerns replied yes and that anything he does he does at his own risk and he does it at the risk of being in violation of the code.

Mr. Dodies asked if the applicant understands that the Conditional Use Hearing will be taking place on October 15th.

Commissioner McKenna said that in construction it would not be uncommon to issue a demolition permit. Say, if the walls need to be prepped for finishing he certainly could accomplish a couple of weeks of work that would not affect him even reselling the property so I do not see the harm in looking at a demolition permit for him.

Mr. Dodies replied that they do not object to that.

Commissioner McKenna replied that the applicant may not ascertain the difference between starting construction and finishing construction.

There were no public comments.

Commissioner Crilly made a MOTION, seconded by Commissioner Romaniello in favor of setting the date for the Conditional Use Hearing to be October 15, 2007 at 7:00 P.M.

MOTION was adopted 6-0.

Commissioner Romaniello made a MOTION, seconded by Commissioner McKenna to waive the formal land development review process for 3 Easton Road.

Solicitor Kerns commented that it would be good to state in the waiver that this does not relieve the applicant from any code compliance or review by our engineer. That will clarify it for the applicant so he understands it.

Commissioner Crilly asked if the motion would have to be amended.

Solicitor Kerns replied yes.

Commissioner Romaniello made a MOTION, seconded by Commissioner McKenna to amend the motion to add what Solicitor Kerns stated.

There were no public comments.

MOTION was adopted 6 – 0.

Commissioner Romaniello made a MOTION, seconded by Commissioner Booth to complete the Crosswalk Maintenance Agreement with PennDot.

Commissioner Romaniello stated that this was supposed to be discussed in committee but because of scheduling the committee got started late and did not address it. The Crosswalk Maintenance Agreement is something that PennDot requires the Township to complete. It is for the proposed stamped asphalt crosswalks at the new Memorial Park Drive. At the intersection there are going to be clearly defined crosswalks that you will not be able to mistake as a pedestrian is trying to cross the street. It will be at the corner of York Road and Easton Road. The Crosswalk Agreement was submitted by McMahon Associates to the Township about a week ago. This is required before PennDot issues us the HOP (Highway Occupancy Permit.) Road construction is still on schedule. It is scheduled to begin very early next year in 2008. We need to act on this tonight.

Commissioner Crilly asked if a timer would be part of this particular agreement.

Commissioner Romaniello replied that it was not and that would be discussed in committee.

There were no public comments.

MOTION was adopted 6 – 0.

Commissioner Comments:

Commissioner Hotchkiss commented that on Saturday, October 6th the fire company is having a community day at the elementary school complex on Orangeman's Road and he would like to welcome the public.

Commissioner McKenna made an announcement with regard to an article in the Intelligencer concerning child predators.

Commissioner McKenna stated he wanted to convey the reason we did not move forward a few months ago on the child predator act and it was because of legal expenses. We were advised by both counsel and our insurance company not to adopt the child predator act that we had drawn up. There were special circumstances in Horsham that allowed them to go ahead and adopt it. At the time we discussed this in committee we had felt that this was an issue that was better handled and better suited by the state. We thought that this could be shouldered by the state much easier than being shouldered by us.

Commissioner McKenna said he would like to make a motion to adopt a child predator act consortium. What I would like to do is direct our Township Manager to draft correspondence to our neighbors and this would include Abington, Hatboro, Cheltenham,

Lower Moreland, Warminster, Upper and Lower Southampton, Warrington and Jenkintown. I'm proposing we band together with our neighbors, spread out the legal responsibility, Horsham has already jumped into this so they may be opened to having other people join them as well and this way when a lawsuit does come up and it's tested instead of one municipality shouldering the total financial loss as it may well be we can spread it out among this entire region. Also we are not moving the problem from one place to another. As each town adopts their own child predator ordinance what will happen is you wound up moving it from place to place. What we want to do is move the problem into the state.

Commissioner Crilly asked Solicitor Kerns if it were proper procedure to have a motion during Commissioner Comments.

Solicitor Kerns stated that they can.

Commissioner Crilly stated that it is a request to send letters out to surrounding municipalities.

Commissioner McKenna stated that we would have to come up with either the geographical size of the municipality or the resident number. The resident number is probably the truer one because that actually bears out the number of taxpayers and how to spread it out so at least what we are doing is going to be equitable and if you look at the number of communities that we would send this out to. We do this for our cable and we get together for different lobbying but this would be the best way at least to deal with issue locally.

Commissioner Crilly replied that we would send the letters out and then address this in the Finance & Administrative Committee.

Commissioner McKenna answered yes as part of a consortium.

Commissioner Booth asked if Solicitor Kerns would come to committee with some ideas what the letter should say, etc. and how the equitable costs should be so we can get a feel for it.

Commissioner McKenna replied that because of the liability of a lawsuit that if there is a payout and our insurance company doesn't back us up on it then that is why that is the most equitable way to do it based on population.

Commissioner Romaniello asked if the municipalities would want to adopt the same legislation.

Commissioner McKenna replied that to keep the legislation the same I think Horsham has already spent the money to have theirs reviewed by counsel and they put it in place so I would recommend adopting the Horsham one and the reason works for us and it also would help a town like Hatboro as well where Hatboro is saying that they are so small

and they may have to look at smaller distances but if we include and extend this to them they can be part of the whole greater Philadelphia suburban area.

Commissioner Crilly stated that the request is to have the Board vote on whether we should send a letter out to the surrounding municipalities. If this is approved the solicitor will then come back with a suggested letter which will be sent out in the event that we approve of the content.

Commissioner Romaniello stated that this has been an issue in Ward 1 for over sixteen months and she understands the legal advice and our insurance company and their position but you see a Township like Horsham and they come in and “boom” they are listening and they are enacting an ordinance because they feel like they should or need to. She stated that she doesn’t feel comfortable as a Board member watching other townships around us adopt an ordinance and us coming in last place and you know that this is all grandfathered so it doesn’t matter who is moving in that won’t really be an issue.

Commissioner Booth said that it relates back to what happened when the state changed the procedures and took people out of larger institutions and said they had to be home based. They put them in community based homes and the political entities were upset because some of the homes had people who were handicapped and people really didn’t want them moving in next door to them so some of the townships developed laws that said they could not have two homes within a certain distance of each other or schools. What happened was that Southampton got sued by one of these group homes under the Federal Housing Act and they got triple damages of about \$350,000.00 in fines so that is what we are looking at. We have to think about the ramifications and trust that our solicitor will try and think through some of the problems that might come about. It might not even be practical because what Horsham is doing may not be practical for us as the same distances and everything else.

Solicitor Kerns said he believes it is truly a state issue and it is an issue the state should take preemptive action on. There is a senate bill being sponsored by Senator John Rafferty of Montgomery County. I talked with Senator Greenleaf about it and he is very worried about moving ahead with this because he wants to see state action taken because he is worried about local municipalities moving into this thing without the state actually handling it through his own act. There are two bills currently outstanding; one in the house and one in the senate. I think this will go very well to show again to the state house members and senate members that local municipalities are moving on this so they better get their act together and move their legislation through so it comes to a conclusion. For that reason alone it is good to move ahead with this. The second part of it is as Commissioner Booth indicated there are some practical problems in this. We got most of the research done. We actually did some mapping on this so we are ahead of that game. The practical issue has to be resolved and that can be resolved, I believe, through a common effort of the local communities. It is always good to get an indemnification or agreement so that if there is a lawsuit there is obviously some costs ready which will make our insurance carrier very happy. Not that it is a binding reason but using good

fiscal policy along with good legislation doesn't hurt. So I think we can move that matter.

Commissioner Hotchkiss asked Mr. Dodies if the maps will be available that were drawn.

Mr. Dodies replied that the maps were never drawn. The quotation was requested by John Chambers to draw radii; 750, 1500 and 2500 feet from every school, daycare and institutional use in the township and before the quotation was received the Board tabled the action. So the maps were never actually drawn up by the Township Engineer.

Commissioner Hotchkiss stated that it will be something that we will have to act on.

Commissioner Booth stated that he looked at the list of the people that fall under this category and it appears it is a fair amount of workers, people who do not live in our township but come in and work. That is going to be pretty hard to take that into action isn't it?

Solicitor Kerns replied that it is. It really is a tracking process. It is making sure that you have track of people who fit into these categories. It is very difficult to do that by zoning. You do not have the police power to enact something that doesn't relate to some of the areas that you are given the ability to pass legislation so the tracking part of it is really something that is going to be impossible for us to do. We cannot track employees that is almost impossible for us to do but that is about as far as we can go, which is again one of the issues you have to look at. Horsham acted on a very specific reason understandably. It was a specific issue that they reacted to and that makes it a lot easier because you can quantify the need for your response. There are a lot of issues and some serious constitutional issues that play into this which is why I believe our carrier threw off quite a few red flags early on about us going it alone because of those problems on a constitutional level. I think the Board understands the pit falls and again, I personally and also as your Solicitor, think it is a good idea to move ahead with this maybe it will do a couple of things, move the legislature which needs to happen and also the ability to help ourselves weather the storm.

Commissioner McKenna stated that he believes we should move forward as a municipality and then eventually the state will come in when they realize what the large voting body here is and eventually this will go out to Bucks County, Bensalem, Yardley, etc. What I am proposing is for us to join nine other municipalities for a total of 10 along with Horsham it will be 11.

Commissioner Crilly stated that as long as it is clear the motion is to send a letter to the surrounding municipalities to establish a consortium related to a child predator ordinance.

Public Comments:

Jonathan de Jonge asked about the other municipalities.

Commissioner Martin replied that it would be beneficial to Bucks County and Montgomery County but we only have so much administrative hours on our hands.

Commissioner Romaniello mentioned the other municipalities that we are already involved with on another project, Cheltenham, Jenkintown, and Abington that she thinks we can bring them along too.

Commissioner Martin replied that the ones he meant are communities we already have a working history with. When you are trying to build an alliance with people you want to pick those where we have neighbors who know who we are and we have the same concerns. Anyone can have reasons not to do this but I think we need to try and think of ways why we should instead of why we shouldn't.

Commissioner Crilly responded by saying that what Lisa is suggesting is the multi municipality workshop and this could become part of their discussions in the future.

Commissioner Booth added that Stacey is a representative of the Montgomery County consortium of first class townships, you might get her to represent this idea to the others some of which you have already talked about but there are others that might be involved too.

MOTION was ADOPTED 6 – 0.

Commissioner Martin responded to a comment that was made earlier in the meeting. He was glad that someone took the time to read the literature he sent out and as far as the PennDot work he did lobby PennDot starting in 2004. I was writing letters of complaint to them regarding all the pot holes along Davisville Road especially on the way to Super Fresh. The state of that road was dismal and I knew that something had to be done along Davisville and there was a young gentleman along the edge of Terwood and he ended up tipping over the bike and ended up dying that particular day and was not sure what happened until later. He wrote several letters that week complaining about the state of Terwood Road concerned about bike wheels getting stuck in the edge with all the cracks. There is documentation of my letters to PennDot lobbying them to make repairs to the roads. They blamed the fact that they were updating the water infrastructure pipes underneath the roadway and that was why they were late in getting to us. I wrote hundreds of letters on different things I wanted action on. There is the Sewer Authority, the odor is terrible and I have written hundreds of letters to them asking them to update their systems. It is a complaint that they hear constantly.

Commissioner Romaniello announced that this Wednesday, October 3rd 7:00 P.M. to 8:30 P.M. in the Township building, Kise Straw and Kolodner our redevelopment planner will be giving a presentation to talk about some of the financial incentives that could be offered to the community that would be the parcel owners, the property owners in the redevelopment area and the business owners. We are going to talk a lot about the improvement programs, street upgrades, business improvement districts and try to discuss all the different types of ideas that those business or property owners would like to

engage in. I believe that Kise Straw and Kolodner will probably have this set up like a workshop and get those individuals to prioritize their ideas and hopefully bring back the top three ideas to the committee. I don't know if it will be discussed in the next committee but we will try we may have a full agenda but will be addressing it in October or November.

ADJOURNMENT: 8:30 p.m.

Respectfully submitted,

Arlene M. Nolan