

**MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP**

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, September 12, 2007 at 8:00 PM in the Springfield Township Building for the purpose of transacting the general business of the Township. All members of the Board were present. Mrs. Lunn presided.

Mrs. Lunn opened the meeting with the Pledge of Allegiance.

Commissioner Gillies read into the record Resolution No. 1157. Resolution No. 1157 honored the life and military service of Lt. Travis Manion, who recently lost his life in Iraq. Lt. Manion attended LaSalle College High School where he excelled academically and as a student athlete. Brother Richard Kessler, President of LaSalle College High School, thanked the Board of Commissioners for honoring Travis Manion. Mrs. Manion (Travis' mother) also thanked the Board for passing the resolution and asked that those in attendance remember all the service men and women and support them while they are on their mission.

Mrs. Lunn asked for a moment of silence to remember all the troops overseas and in harm's way.

Motion (Gillies-Peirce) carried unanimously dispensing with the reading of the minutes of the previous meeting and approving same as written and recorded in the official minute book of the Township.

Motion (Lunn-Peirce) to amend the meeting minutes of July 11, 2007 by adding a note that a Court Reporter was present at the meeting. Mr. Dailey asked if Ms. Peirce could clarify her motion related to the cost of the building renovations at the Black Horse Inn for phase III interior improvements. Mr. Dailey asked what was meant by securing 50% of the funding to proceed with phase III. Ms. Peirce indicated that she would look for 50% of the desired funding from either private or Township funds to be on hand prior to proceeding. Mr. Gillies discussed further amendments requiring that 100% of the 50% of the new funding for phase III be from outside funds and not Township funds. This amendment was not accepted. The aforementioned motion to approve the July 11, 2007 meeting minutes was approved unanimously.

Mrs. Lunn acknowledged that past Commissioner Robert McGrory was present in the audience.

Special Reports – None.

Correspondence – None.

Neil Schofield, 816 Downs Road, inquired whether the Board of Commissioners would consider utilizing the existing capital reserve fund of approximately \$4,000,000 to reduce real estate taxes in 2008 by approximately \$200 per household. Mr. Schofield opined that from his review of conditions related to the Redevelopment Assistance Capital Program, it was not appropriate for the funds to be utilized to renovate the Black Horse Inn building, but could be utilized for Bethlehem Pike. Mr. Schofield expressed his pleasure that the Treml matter was being reviewed by the Board of Commissioners. He inquired why the Board meeting minutes have not been posted on the webpage and why it was necessary to engage an outside attorney to review the Treml complaint. Mrs. Lunn stated that the Board meeting minutes would be posted on the web after the Board has officially approved the minutes. She indicated that special counsel was being hired to investigate the Treml complaint to review the past actions of the Township and consider future improvements in programs or policies.

George McHugh, 127 Redford Road, commended all who were involved in the most recent Community Day held at Cisco Park. Mr. McHugh expressed his pride in being a member of the community on that day. As a representative of the Oreland Lions Club, Mr. McHugh asked if the Board of Commissioners would consider making their annual contribution to help support the 4th of July parade. Motion (Lunn-Gillies) vote 6-0-1, Mr. Gillies abstained due to his membership with the Oreland Lions Club, to make the annual \$1500 contribution to the Lions club.

Paul Lavelle, 200 Lynn Avenue, discussed his observations of the workshop meeting on September 10, 2007, as it related to his subdivision plan. It was his understanding that the Township Engineer is finished with her review of his subdivision, but that the plan was anticipated to be returned to the Planning Commission. Mr. Lavelle asked the Board of Commissioners to consider approving the subdivision plan subject to final review, and any conditions set by the Township Planning Commission.

Paul Treml, 6015 Kingdom Court, Murraysville, read a prepared statement indicating that he believed that in 1994 the Township agreed to sever all relations with Joe Axford based upon information he had provided related to sexual abuse perpetrated against him. Mr. Treml stated that the Township was also aware that Mr. Axford had also been charged with corrupting the morals of minors. He stated that he believed it was a gross lack of judgment to permit Mr. Axford to continue to work with children of the community given the information he had provided. He opined that he believes he continues to do the right thing by making people aware that Mr. Axford continues to operate on Township owned property with young children.

Loretta Borrell, 704 Orlando Avenue, asked why the Township would consider investigating an allegation after 14 years, and asked the Board of Commissioners to use the experience to move forward. Mrs. Borrell drew a distinction between the Township and any activities of the Springfield Athletics Association. Mrs. Borrell did not believe it prudent to investigate the matter further.

Rob Ryan, 6 Franklin Avenue, indicated that he believes the community is upset at how the Treml/Axford complaint was handled. He believes that as a result of the 1993 investigation, Mr. Axford was removed from activities associated with the Township. He asked why Mr. Axford would then be allowed to utilize township park facilities for his programs. Mr. Ryan believes that everyone who was involved in the situation should participate in the current investigation. The investigation is not intended to embarrass people, but to protect the people of the Township from a similar occurrence.

Lynn Young, 400 Hemlock Road, agreed that the Township should conduct an investigation into the occurrences of 1993-94 to make sure that the situation does not occur again, and to put processes or programs in place to help assure same.

John Borrell, Orlando Avenue, read a prepared statement that he indicated was to be a letter to the editor. After several revisions, the letter was not acceptable to the Springfield Sun. As he understands it, the information conveyed to the Township from Mr. Treml about Mr. Axford is a mere allegation. No other individuals came forward and the allegations about Mr. Axford were never corroborated. Mr. Borrell commended Mr. Axford's service to the community. He concluded by suggesting that the Township not move forward with the investigation and that the matter is a legal matter and should be handled by the Courts. If Township officials provided access to a convicted felon, indeed that would be a problem, however, at the time, the Township was presented with nothing more than allegations. Mrs. Lunn suggested that the matter was Township business due to the Board's responsibility to protect the health, safety and welfare of the residents of the community.

Janice McGrane, 101 W. Wissahickon Avenue, agreed that there seemed to be numerous allegations with regard to what occurred with the Treml/Axford complaint. She hopes that the Township proceeds with the investigation to help clarify the truths behind the complaint.

Gerard Schneider, 101 Garth Road, asked whether the Treml/Axford complaint had been investigated when first reported. Mr. Kilkenny indicated that in 1993 the police department conducted an investigation and also spoke to the Montgomery County District Attorney's office. Mr. Kilkenny indicated that the proposed investigation will help identify timelines of what occurred and make policies to help improve procedures in the future. Mr. Harbison suggested that there were three issues under consideration by the Board of Commissioners. First, the Treml allegations against Mr. Axford; second, occurrences in 1993 and how the Township reacted to information received; and third, future policies and procedures to be created or approved. Mr. Schneider suggested that the Board of Commissioners utilize resources, and move forward rather than investigate past allegations.

Daniel Supplee, Burton Road, expressed his disappointment at spending tax dollars to consider issues of the past. He believes that establishing new policies or procedures is a good idea. Mr. Supplee asked if the Board had an estimate of costs to conduct the investigation. Mr. Supplee was told between \$12,000 and \$20,000. Ms.

Peirce stated her interest in conducting an investigation of the past through an analogy of a hotel chain who believed there was a problem with the elevators, and because the hotel expanded their review of the conditions, found that their underlying service problem had nothing to do with the elevators. Mr. Supplee stated he believed the investigation was a political witch hunt to remove the Township Manager. Ms. Peirce indicated she anticipated the use of the term witch hunt, and provided the definition, which is a political campaign launched on the pre-text of investigating activities subversive to the state. She opined that the planned activities of the Board of Commissioners did not apply.

Mr. Gillies asked for a clarification whether there was written documentation that called for the separation of the relationship between Mr. Axford and the Township. Mr. Gillies was told that there was no clear documentation as to the terms of the separation.

Stan Smith, 7 Golf View Drive, stated his expectation for the Board to represent his interest and conduct a due diligence with regard to the complaint and provide full disclosures as to the finding.

David Cerami, Villanova, inquired whether there was a written scope of services with regard to the special counsel to perform the investigation. Mr. Kilkenny indicated that there was, and since the service would include the investigation of personnel, the investigation report document would be considered privileged. Mr. Cerami asked for the opportunity to review the scope of the project prior to the Board of Commissioners taking a vote on the investigation. Mrs. Lunn suggested there were two main matters of investigation. First the 1993 timeline to help understand accountability of actions taken, and second is to help create policies for the Township to help prevent a similar occurrence. It was indicated that the investigation would take approximately 60 days. Mr. Kilkenny read aloud the three alternatives of the investigation that were included in the scope of services, which the Board of Commissioners will consider voting on later in the evening. Mr. Kilkenny indicated that the Request for Proposal for the outside counsel was established August 6, 2007 and the RFP was forwarded to three Philadelphia law firms. The Board conducted an interview of one of the candidates on September 10, and the original response to the proposal was then amended September 12, 2007. Mr. Cerami inquired whether procedures of the Board of Commissioners might be considered as a part of the review; as an example, succession of information or passing of institutional memory from one board to the next.

Paul Schmidt, 801 Preston Road, believed there should be three phases of the investigation: (1) what was done and what influenced the past investigation, (2) who had knowledge of the 1994 Axford issue, and (3) why did they take, or not take, specific actions.

Ron Attarian, 102 Yeakel Avenue, suggested that if we do not learn from our past we are doomed to repeat our mistakes. He believes the Township should understand what may have gone wrong in the past and do so through an investigation.

Amy Samtmann, 20 West Wissahickon Avenue, expressed her understanding that in the past there were accusations made about sexual abuse. No charges were filed and no convictions. She did not believe it is proper for the Township to make accusations within the community. She also expressed concerns with the cost of an independent counsel performing the investigation.

Jennifer French, 208 Suffolk Road, indicated that she was abused as a child and believes the Township must do things properly to help prevent this action from ever occurring again.

Herb Luxton, 814 S. Fairway Road, indicated he has personal involvement and knowledge of the three main individuals involved in these allegations. He believes it is inappropriate for any frustration or anger to be directed towards persons not directly involved in the original allegations. It appears that the one person that may have created the problem may not ever be held responsible for same, and as a result, blame is being cast elsewhere.

Chris Quinn, Church Road, indicated his belief that all seem to agree that the Township needs to move forward and move forward with the establishment of policies to help prevent a similar action from occurring in the future. Mr. Quinn suggested that he was not in support of spending money on an investigation of the past.

Loretta Borrell, Orlando Avenue, Oreland, asked if the Board could define what was meant by investigation of a personnel matter. Mr. Kilkenny indicated that a personnel matter would include current and past employees. Ms. Borrell asked if the Township should review the services of the other two law firms who expressed interest in conducting the investigation to see if their costs were more competitive.

Mr. Gillies suggested that the Board has the original response to the Request for Proposal from which to choose, plus the three most recent alternates put forth by Mr. Hugg. Mr. Gillies expressed his concern for the cost of \$20,000 for professional services and noted that additional costs could be incurred for paralegals and other support staff. He would like a cost estimate for those other potential cost items. Mr. Gillies believed the Township would be served well to select alternate #2 which is, in essence, a worst case scenario, therefore learning from events from the past under the worst conditions. He believed that the expenditure of any funds in this regard should be put towards future programs and training. To the extent the investigation is done and all is found to be proper, the Township may have spent considerable funds and not learned anything from the investigation.

Ms. Peirce suggested that one pillar of the American society is accountability. She would like to understand if anyone was derelict in their duties, and does not believe that information would be available if an investigation is not completed.

Mrs. Lunn indicated that she would like to understand what was done, what was not done, and who was involved and responsible for the actions taken.

Mr. Gillies noted his concern with the memories of all who were involved given the lapse of time. He would like to learn how to sustain the flow of information from one board to another.

Mr. Standish stated that he does believe the Township should proceed with an internal investigation, and believes the Township would be best served with an objective outside firm conducting the investigation. Policies could be created without an investigation, however, the Township may be better informed to create the policies when the investigation is completed. He did insist that the focus of the investigation remain clear and believes that the investigation should center with Messrs. Berger and Garrity. In order to help guide the investigation perhaps a sub-committee of the Board of Commissioners could be created.

Mr. Dailey indicated that he was leaning more towards alternative #2 as the most practical method of addressing the issue at hand. He noted that all reports were attorney-client privileged. With no legal cause of action available, he is not sure why the Township did not meet directly with the Tremles. Prior to conducting an outside investigation, Mr. Dailey suggested perhaps the Township Solicitor speak with the two attorneys involved at the time to help understand what may have occurred. Mr. Dailey said it was not clear to him what issue the Board was attempting to resolve. With regard to future policies, he would like the input of area youth organizations during the process.

Paul Tremle stated that an open dialog with the Board of Commissioners is what he has been looking for from the beginning of his complaint. Mr. Gillies opined that conducting the dialog may have reduced the public's overall concern with the issue at hand.

Ms. Peirce stated that she did not know Mr. Axford before the vote to rename the Oreland Park after Mr. Axford. She would have wanted to understand more about Mr. Axford and believed Mr. Berger let her down in that regard.

Mr. Schaum reading from a prepared statement indicated that the Board of Commissioners is considering the hire of a special investigator to review events that may have taken place in 1993-94 at a cost of approximately \$20,000, or more. Mr. Schaum reviewed actions taken by the current Board over the past several months with regard to the naming of Oreland Park to Axford Park, and then rescinding that action. Mr. Schaum summarized the actions taken by the Township back in 1993 when the allegations against Mr. Axford were first brought to the Township's attention. The actions included a police investigation, and Mr. Axford being removed from his activities on Township property while the Police investigation was conducted. No charges were filed, citations issued or arrests made as a result of the police investigation. The following year, Mr. Axford returned to the operation of the basketball league in Oreland and no one, including the Tremles, raised an issue with that activity until the renaming of the park. As a result of the current awareness, the Commissioners have started a process of updating and formalizing procedures surrounding recreational activities, including the background screening. Mr.

Schaum opined that the questions of what may or may not have occurred a decade ago after a police investigation has turned into an attack against the current Township Manager. Mr. Schaum stated he believes Mr. Berger operates the Township like a business, he is consistently fair and honest and has done everything in his power to protect the citizens of Springfield Township. Mr. Schaum indicated that when it is time to consider an investigation of how the Township handled a complaint made 14 years previous related to incidents that may have occurred 34 years ago, he would not vote to utilize taxpayer resources to conduct such an investigation.

Ms. Peirce suggested her interest in having a reasonable understanding of the facts beyond police reports. Mrs. Lunn suggested that she did not believe the police investigation was complete.

Mr. Harbison suggested that something went wrong from 1994 to the present, and if, through this inquiry, the Township can identify the failing, it is worth the investigation to understand the failing. He believes the costs are limited given the limitation and magnitude of the investigation.

Mr. Gillies asked what policies could prevent similar problems from occurring in the future, given the current background checks available for volunteers in the recreation programs. Mr. Gillies does not believe the policies can prevent the problem with supervising young children, but training and parental involvement may help.

Mr. Harbison suggested that the Board of Commissioners consider motions on the alternatives based on the number of interviews in descending order. Alternate #1 might be considered first, alternate #3 and then alternate #2. Mr. Gillies suggested an alternate #4 that might include the interviews of the attorneys involved in 1993-94.

Mrs. Lunn, reading from a prepared statement, indicated that the situation before the Board of Commissioners is that of the most serious situation, which affects the most vulnerable people in our community. The decision to have an investigation of the occurrences is not about any one person, but is needed in order that the investigation is thorough. Answers to certain questions must be found and must be done in an objective fashion by an outside counsel in order to go beyond local politics.

Mrs. Lunn read into the record Resolution No. 1159, a resolution appointing Jonathan Hugg, of the law firm of Obermayer, Rebmann, Maxwell and Hippel, as special counsel to conduct an administrative investigation in accordance with alternate #1 of Mr. Hugg's letter dated September 12, 2007. Motion (Lunn-Peirce) to adopt Resolution No. 1159 as stated.

Motion (Gillies-Dailey) to table the motion to conduct an administrative investigation, vote 3-4. The motion did not carry. Commissioners Harbison, Lunn, Peirce, Standish opposed.

Vote 3-4 on the initial motion to conduct an administrative investigation in accordance with alternate #1 of the Hugg letter dated September 12, 2007. The motion did not carry. Dailey, Gillies, Schaum, Standish opposed.

Motion (Standish-Harbison) to conduct an administrative investigation in accordance with alternate #3 of Mr. Hugg's letter dated September 12, 2007. Mr. Dailey suggested that if Mr. Hugg was to have flexibility and interview others in conjunction with the investigation, those to be interviewed should be approved by the Board of Commissioners or a sub-committee of the Board. Vote on the motion 4-3. The motion carried. Opposed Dailey, Gillies, Schaum.

Motion (Standish-Gillies) carried unanimously to create a subcommittee to provide guidance to Mr. Hugg on any additional interviews beyond those identified in alternative #3. The subcommittee is to include Ms. Peirce and Messrs. Schaum and Standish.

Mrs. Lunn, Chairwoman of Internal Affairs and Environmental Resources Committee, reported:

Motion (Lunn-Schaum) carried unanimously to approve the August check reconciliation in the amount of \$770,188.15 and the September bill listing in the amount of \$617,531.97.

Mrs. Lunn announced that the Springfield Township residents recycled 251.1 tons of materials with a householder participation rate of 74.3%. The net savings for the month was \$821.16.

Motion (Lunn-Gillies) carried unanimously to direct the Township staff to post the meeting minutes of the Board of Commissioners on the Township website after the Board of Commissioners has officially approved the Board minutes.

Mrs. Lunn announced the tentative meeting dates through the adoption of the 2008 Budget:

Budget Workshop	10/24/07	7:00 PM
Budget Presentation	11/14/07	8:00 PM
Budget Hearing	12/12/07	8:00 PM
Budget Adoption	12/19/07	8:00 PM

All meetings will be held in the Springfield Township Building.

Motion (Lunn-Harbison) carried unanimously to adopt Resolution No. 1158, a resolution stating that the Board of Commissioners will make provisions in its 2008 proposed budget to cover the costs associated with funding the Police, Salaried and Hourly employees pension plans for the year 2008.

Mr. Schaum, Chairman of Public Safety Committee, reported:

Motion (Schaum-Standish) carried unanimously to amend the Springfield Township Code Section 107-24, Schedule I, Speed Limits, by establishing a 25 MPH speed limit on Douglas Road for its entire length.

Mr. Gillies, Chairman of Library Committee, reported:

Mr. Gillies announced that the Springfield Township Library will host a "Welcome Back to the Library" evening, an open house at the Springfield Township Library, on October 4, 2007, from 5:30 to 8:00 PM. Over the past year, the Township hired a new head Librarian, made physical changes to the interior of the library, added new equipment, and added new programs for all ages at the Library. It is the hope of the Board of Commissioners to introduce new residents to the Township Library, and to reacquaint past users with the Library and its improvements.

Mr. Standish, Chairman of Community Development Committee, reported:

Motion (Standish-Schaum) carried unanimously to conditionally approve the Lavelle subdivision, 200 Lynn Avenue, Oreland, dated February 7, 2007, revised September 5, 2007. The condition of the approval of the 2 lot residential subdivision is that the Lavelles re-present their amended plans to the Springfield Township Planning Commission and resolve any issues raised by the Planners.

Motion (Standish-Schaum) carried unanimously that in compliance with Section 512.1 of the Pennsylvania Municipalities Planning Code, the Board of Commissioners waive the formal land development review process for the Springfield Township School District related to their building improvement plans at the Springfield Township Middle School. The subject of the land development includes the construction of building renovations as well as creating a stage area within their existing gymnasium, creating new music and choral rooms, the construction of a new library, and the relocation of their existing basketball court to the existing tennis court area. The waiver was granted in conjunction with plans titled "Master Site Development Plan for the Springfield Township Middle School", dated May 18, 2007, without revision. The applicant was directed to comply with all representations made before the Springfield Township Planning Commission, including resolution of the two conditions set forth in a letter dated August 21, 2007 from the Planning Commission. The applicant shall secure all requisite permits and approvals and comply with all applicable State and local codes.

Mr. Gillies confirmed the interest of the Board of Commissioners to receive a master plan from the School District as it relates to future improvements to the School District facilities.

Mr. Standish made an announcement that on October 10, 2007, the Board of Commissioners plans to conduct a “conditional use” public hearing as it relates to the Piszek property, Pennsylvania Avenue near Camp Hill Road and Oreland Mill Road. Mr. Standish described the Piszek tract both in Springfield Township and Upper Dublin Township and the fact that the conditional use hearing is related to the construction of townhouses within the AAA Residential zoning district. It was noted that the Board of Commissioners can approve the conditional use at the October 10, 2007 meeting.

Mr. Standish also announced that on November 14, 2007, the Board of Commissioners plans to conduct a public hearing to accept input on plans to amend the Springfield Township Open Space Plan. The plan amendment would add the purchase of 312 Oreland Mill Road and adjacent vacant parcels as a high priority within the Springfield Township Open Space Plan. The Commissioners can approve the plan amendment as a part of the public meeting on November 14, 2007.

Ms. Peirce, Chairwoman of Communications and Cultural Resources Committee, reported:

Motion (Peirce-Lunn) carried unanimously to authorize the advertisement of a Request for Proposal to secure a professional fundraiser to help secure funds for the phase III interior restorations of the Black Horse Inn. Ms. Peirce noted that the Board was authorizing the issuance of the RFP, not an engagement as the Board would like to work through funding priorities with regard to a future engagement.

Ms. Peirce announced that the Board of Commissioners, Township staff and the Park and Recreation Advisory Committee are in process of creating a comprehensive policy on the use of public facilities and review of adults interacting with children in organized programs on Township properties. In the meantime, the Board of Commissioners has established a policy requiring confirmation that both the criminal background and child abuse clearances of any adults interacting with children on Township property will commence immediately. The Township programs have been following this process for approximately two years. The Board would like to confirm that all activities on Township property will follow these procedures.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board is scheduled to meet on Monday evening, September 24, 2007, at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda.

Motion (Dailey-Harbison) carried unanimously to authorize the office of the Township Solicitor to represent the interest of the Board of Commissioners through the creation of a legal record for the zoning petition of 9425 Stenton Partners LLP. 9425 Stenton Partners is requesting variances to the permitted uses, building lot requirements and zoning setback requirements for a proposal at this location.

Mr. Harbison, Chairman of Public Works and Facilities Committee, reported:

Mr. Harbison announced that on October 10, 2007, the Board of Commissioners plans to conduct a public hearing related to a planned amendment to the Springfield Township Pennsylvania Act 537 Sanitary Sewer Service Plan as it pertains to providing public sanitary sewer service for the Tecce tract, 9303 Ridge Pike. The Commonwealth of Pennsylvania requires a public hearing if the proposed sanitary sewer service includes improvements such as a pump station. A sanitary sewer pump station is proposed for this development in order to convey the wastewaters to an existing manhole in Ridge Pike.

Mr. Tomlinson, Haws Lane, asked that Ms. Peirce's announcement with regard to the park and recreation programs be clarified to indicate that the clearance of adults supervising children relates to organized programs.

There being no further business, the meeting was adjourned at 11:45 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary