

MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, August 11, 2010 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, with the exception of Mr. Standish. Mr. Harbison presided.

Mr. Harbison asked everyone to join the Board of Commissioners in a moment of silence to honor the service men and women who have placed themselves in harm's way in order to help preserve our safety.

Mr. Harbison led the pledge of allegiance.

Motion (Schaum-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.

Mr. Harbison announced that Mr. Standish was not in attendance at the meeting as he was on vacation.

Maureen Gibson, 1201 Bergan Road, addressed the Board of Commissioners and thanked them for continuing to review the soil erosion of her property caused by the creek to the rear of her premises. Information supplied by the Township Engineer to the Board of Commissioners earlier in the evening was shared with Ms. Gibson with regard to the cost to stabilize the creek in the area in question.

Sharon Murphy, 2017 Cedar Lane, thanked the Board of Commissioners for their attention to the Yost subdivision on East Mill Road. Ms. Murphy indicated that she and her neighbors had no issues with the subdivision but are concerned with the two access points to the proposed dwelling off of both East Mill Road and Cedar Lane. Ms. Murphy asked that a gate be placed on the Cedar Lane driveway if the Board of Commissioners were to approve the plan.

Mr. Harbison, Chairman of Internal Affairs and Environmental Resources Committees, reported:

Mr. Harbison announced that the September meetings of the Board of Commissioners will be combined on the evening of September 8, 2010 due to the Labor Day holiday falling on the scheduled workshop meeting date. The workshop meeting will begin at 6:30 PM and the business meeting will begin at 8:30 PM.

Mr. Harbison also alerted residents who have water service through the Philadelphia Water Department that they may find a stormwater management surcharge on their water invoices. He indicated that the Township contacted the City and the City acknowledged the error. Philadelphia Water Department customers will be notified of the mistake and will be provided guidance on having the error corrected.

Motion (Harbison-Peirce) carried unanimously to approve the July check reconciliation in the amount of \$899,598.90 and the August bill listing in the amount of \$410,188.79.

Mr. Harbison announced that during the month of July, Springfield Township residents recycled 202.2 tons of materials with a householder participation rate of 71.6%. The net cost for the month was \$4,913.50.

Mr. Schaum, Chairman of Public Safety Committee, had no report.

Mr. Schaum reported on behalf of Mr. Standish, Chairman of Public Works and Facilities Committee:

Motion (Schaum-Heller) carried unanimously to adopt Resolution No. 1234, a resolution designating Donald G. Sirianni, Jr., Assistant Director of Public Works, as the contact person for Springfield Township as it relates to working with the Pennsylvania Emergency Management Agency to submit an application to PEMA for the 2010 Winter storm disaster funding.

Motion (Schaum-Peirce) carried unanimously to authorize the sale of the following equipment at the Montgomery County Consortium auction scheduled for August 21, 2010 at the Danella Construction facility on Conshohocken Road in Plymouth Meeting:

1. One 2000 2RII 25 cubic yard Leach packer refuse body
2. One 2002 Chevrolet Tahoe
3. One 1989 White GMC salt/plow truck
4. Miscellaneous snow plowing equipment

Mr. Gillies, Chairman of Library Committee, had no report.

Ms. Peirce, Chwmn., Communications and Cultural Resources Committees, reported:

Motion (Peirce-Gillies) carried unanimously to appoint Rose Sovira, of Willow Road, and Christopher Tomlinson, of Haws Lane, to fill two unexpired terms of service as members of the Springfield Township Park and Recreation Advisory Committee. The terms of service shall expire May 12, 2012 and May 12, 2013, respectively.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board would not meet during the month of August 2010 as the Zoning Hearing Board did not receive any petitions this month. The next scheduled meeting of the Zoning Hearing Board will be Monday, September 20, 2010 at 7:00 PM in the Springfield Township Building.

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

Motion (Heller-Gillies) carried unanimously to accept a letter dated August 5, 2010 from Craig Robert Lewis, legal counsel for Federal Realty Investment Trust, owners of the Flourtown Shopping Center, extending the 90 day land development review period until September 15, 2010. The extension relates to an amended final land development plan proposed by Federal Realty which includes the renovation of several existing retail areas within the in-line portion of the shopping center, the construction of a 5,400 sq. ft. retail building within the existing parking lot, and the renovation of a portion of the old K-Mart store.

Motion (Heller-Schaum) to approve the Yost subdivision plan located at 411 East Mill Road, prepared by Hibbeln Engineering Company, dated March 3, 2010, last revised July 23, 2010. The subject of the subdivision is a two lot residential subdivision maintaining one existing single family dwelling, and adding a second single family dwelling. In conjunction with the plan approval, the Board of Commissioners also granted the following waivers to the Springfield Township Code:

1. 95-11.I(2)(b) requires one street tree to be planted for each 35 feet of street length. The location of one tree will be relocated outside of the parameters of a typical street tree.
2. 95-11.I (11)(c) requires that trees in excess of 3" in caliper that are removed must be replaced at a rate of 2 trees to each 1 removed. 24 trees are scheduled for removal, therefore 48 replacement trees would be required.
3. 95-10.A requires a cartway width on East Mill Road of 30 feet. The cartway width will remain 26 feet.
4. 95-10.I requires the installation of sidewalks on any street that is residential in nature. The installation of sidewalks along Cedar Lane and East Mill Road will be deferred.
5. Item C of the Springfield Township Subdivision Plan Checklist requires that existing features within 200 feet of the site shall be shown on the plan. The applicant has substituted an aerial plan to meet this requirement.

It was noted that the plans reflect a gate being placed on the driveway entrance adjacent to Cedar Lane.

Mr. Gillies suggested the temporary status of the cul-de-sac of Cedar Lane now comes to question related to the new subdivision plan presented by the Yosts. Mr. Heller noted that the Township Solicitor previously opined that the driveway to Cedar Lane was permissible and had no effect on other Cedar Lane properties.

Mr. Gillies also believes that the titles of the properties directly adjacent to the temporary cul-de-sac require clarification related to any future improvements called for by the change in the status of the cul-de-sac.

Mr. Dailey reviewed his concern that notice was not provided to the Cedar Lane neighborhood in order that those neighbors might have had an opportunity to work closely with the Township Planning Commission to help resolve any issues they had with the proposed subdivision. **Mr. Heller stated that unlike the Zoning Hearing Board, the Planning Commission was not required to provide notice of a meeting. He did not believe any neighbors received a specific notice of the Planning Commission meetings. Mr. Dailey believed the East Mill Road neighbors did receive notice, but Cedar Lane neighbors did not. Mr. Heller thought Cedar Lane neighbors did attend a Planning Commission meeting, but was not certain of the specific meeting.**

The Board acknowledged notices sent to the neighbors to meet with the Commissioners.

Mr. Heller stated his belief that the issue of access to Cedar Lane is a legal question that was posed to both the Township Solicitor and Engineer, and not a matter for the Planning Commission. Mr. Heller also added that he hopes that when reviewing future subdivisions, the Township confers with the Township Comprehensive Plan to consider improvements such as sidewalks that might be desirable in a particular area.

Mr. Harbison acknowledged the concern of some of the Cedar Lane neighbors that the Yost driveway might be a defacto cut-thru, although he did not believe that was likely given the configuration of the Yost property.

Vote on the motion: 4 in favor, 2 opposed (Dailey/Gillies).

Richard and Helen Yost, 411 East Mill Road, addressed the Board of Commissioners and expressed their appreciation for everyone's time over the past several months to work through the concerns of the proposed subdivision plan. Mr. Yost took exception to Mr. Gillies' continued opposition to the subdivision plan suggesting he had a conflict of interest due to family members living adjacent to the Yost property. Mr. Kilkenny clarified the point that Mr. Gillies brought that fact to the attention of the Board of Commissioners at the beginning of the review process and it was Mr. Kilkenny's position that there was no legal conflict for Mr. Gillies. Mr. Yost responded by agreeing with Mr. Kilkenny's assessment, but asserted Mr. Gillies had a bias against the subdivision while working as an advocate for his brother and sister-in-law and should have abstained. Mr. Yost also noted that he made contact with a third party attorney who represented the neighbors early in the process and that attorney opined there were no legal issues associated with the subdivision plan. Mr. Yost also believed that Mr. Dailey, as an attorney, should have recognized there were no legal impediments to approving the plan and therefore should have voted to approve the plan. In conclusion, Mr. Yost expressed his disappointment with the general process for the subdivision plan review and approval.

There being no further business, the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
8/17/10