

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, November 10, 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. 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-Gillies) carried unanimously dispensing with the reading of the minutes of the previous meeting and accepting same as written and recorded in the official Minute Book of the Township.

Correspondence: None.

Special Reports: None.

Mr. Harbison called on the Friends of Historic Bethlehem Pike to address the Board of Commissioners with regard to a project located along Bethlehem Pike. Robert Ryan was joined by several members of the Friends of Historic Bethlehem Pike. He indicated that the Friends was formed in 2003 and they established a mission to help preserve the historic fabric of Bethlehem Pike. Mr. Ryan indicated that the Friends of Historic Bethlehem Pike has established an annual "Acorn Award" which is awarded to groups or individuals who have taken action to improve the historic significance of Bethlehem Pike. Mr. Harbison, on behalf of the Board of Commissioners, accepted a certificate and metal plaque from the Friends for the work of the Board of Commissioners on the Black Horse Inn.

Liz Seaman, 221 Glendalough Road, expressed her disappointment with spraying of pesticides at Cisco Park. Mr. Berger explained the current practice of the Township is to utilize organic fertilizer on athletic fields and to spot weed control on the athletic fields. No fertilizers or herbicides are sprayed within the park areas. The Board of Commissioners agreed to review the current practice and report back at a later meeting.

Neil Gallagher, 79 College Avenue, indicated his concern with the proposed building activities at 40 and 42 Grove Avenue. The proposal is to construct a large residential garage in the rear of 42 Grove Avenue. Mr. Gallagher indicated that the structure was not compatible with the residential neighborhood and appeared to be more of an industrial style building. He was also concerned with the stormwater runoff from the structure.

Alan Good, 75 College Avenue, agreed with Mr. Gallagher's points and reiterated his concern with the appearance and impact on the immediate neighborhood.

Mr. Kilkenny indicated that the property owner is requesting zoning relief before the Zoning Hearing Board, and to the extent he is requesting a variance, the applicant must show a hardship why the variance should be granted. The decision is that of the Zoning Hearing Board, however, the Board of Commissioners can take a position for or against the petition and ask that the Township Solicitor appear at the Zoning Hearing Board hearing on their behalf. Mr. Harbison explained in greater detail the relationship between the Board of Commissioners and the Zoning Hearing Board.

Frank Palopoli, 107 College Avenue, believes the structure proposed at 42 Grove Avenue will be utilized for commercial purposes and suggested that the existing garages at 40 Grove Avenue maintain construction equipment.

Tony Mascaro, owner of 40 and 42 Grove Avenue, addressed the Board of Commissioners and first clarified that the commercial vehicle alluded to was a lawn tractor that he utilizes to clear snow from his driveway and his neighbor's driveway. It is not utilized for commercial purposes. He indicated that he owns several houses on Grove Avenue, and the purpose of the garage is to house five cars and two boats that he owns. Mr. Heller asked for clarification on whether the structure was 80 feet in length. Mr. Mascaro agreed it was 80 feet, or very close to 80 feet.

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

Motion (Harbison-Schaum) carried unanimously to approve the October check reconciliation in the amount of \$1,156,985.03 and the November bill listing in the amount of \$457,600.68.

Mr. Harbison announced the schedule of meetings through to the adoption of the 2011 budget:

| <u>Purpose</u> | <u>Date</u> | <u>Time</u> |
|-----------------|-------------|-------------|
| Budget Hearing | 12/8/10 | 8:00 PM |
| Budget Adoption | 12/22/10 | 8:00 PM |

All meetings will be held in the Springfield Township Building.

Mr. Harbison read into the record the 2011 Budget Statement summary. The Board of Commissioners proposes a balanced operating budget for 2011 of \$16,979,043 with a real estate tax rate of 3.37 mills and an earned income tax rate of 1.0%. The 2011 Budget proposes to maintain the existing real estate tax rate, but increase the refuse service fee by \$2.13 and the sanitary sewer rental will be increased by an average of \$66.84 per household. Mr. Harbison noted that the proposed budget would be available for inspection in the office of the Township Manager and the Township Library, and that the Budget would be discussed once again on

December 8, 2010 and on December 22, 2010. The draft budget is also available on the Township website.

Mr. Gillies stated his believe that the business privilege and mercantile taxes are under-valued in the draft budget. He also believes the receipts from the cable TV franchise fees might be under-valued. Mr. Gillies would like the Board of Commissioners to consider not setting aside the interest earned on the sanitary sewer fund as a means to offset the expenses in this area. Mr. Gillies also would like the amount of real estate taxes that support the park and recreation programs to be reduced.

Mr. Harbison announced that during the month of October, Springfield Township residents recycled 210 tons of materials with a householder participation rate of 76.9%. The net cost for the month was \$4,326.70.

Motion (Gillies-Heller) carried unanimously to continue the November business meeting of the Board of Commissioners and to convene a public hearing to accept public comment on the enactment of a local services tax in Springfield Township.

The Board of Commissioners conducted a public hearing on the enactment of a local services tax.

Motion (Schaum-Heller) carried unanimously to end the public hearing on the local services tax and to resume the November business meeting.

Motion Mr. Harbison. The motion did not receive a second, and therefore was not considered for a vote to enact Ordinance No. 903, an ordinance amending Chapter 100 of the Code of the Township of Springfield, to create a new Article VII, to be entitled Local Services. Ordinance No. 903 was an ordinance to levy the local services tax on all persons engaged in an occupation with a primary place of employment within Springfield Township.

Motion (Harbison-Schaum) carried unanimously to adopt Resolution No. 1238, a resolution authorizing the proper officers of the Township to execute an agreement with Berkheimer Tax Administrators for Berkheimer to be the exclusive tax officer for the collection and administration of the earned income tax in Springfield Township for the term commencing January 1, 2011 and ending December 31, 2011. The compensation rate for Berkheimer to collect the earned income tax is set at 1.39% of the gross earned income tax collected.

Motion (Harbison-Schaum) carried unanimously to adopt Resolution No. 1239, a resolution appointing Donald E. Berger, Jr., Township Manager, and A. Michael Taylor, Assistant Township Manager, as the liaisons between Berkheimer and Springfield Township for the purpose of sharing confidential tax information between Berkheimer and Springfield Township.

Motion (Harbison-Heller) carried unanimously to adopt Resolution No. 1240, a resolution appointing Berkheimer Tax Administrators as the Springfield Township Tax

Hearing Officer under and pursuant to the Local Taxpayers Bill of Rights for the purpose of adjudicating appeals related to the payment and collection of the earned income tax.

Motion (Harbison-Heller) carried unanimously to adopt Resolution No. 1241, a resolution authorizing Berkheimer Tax Administrators to impose and retain costs of collection on delinquent taxes pursuant to the schedule of collection costs attached to Resolution No. 1241, and made a part of same.

Motion (Harbison-Gillies) carried unanimously to accept a recommendation from the Chair of the Environmental Advisory Commission and Commissioner Liaison of the EAC to replace Steven Steinbrook as a member of the Environmental Advisory Commission because Mr. Steinbrook has been unable to attend Commission meetings due to other obligations.

Motion (Harbison-Heller) carried unanimously to appoint Deirdre Martinez, of Abington Avenue, Wyndmoor, and Seth Wilson, of Lorraine Avenue, Oreland, to fill unexpired terms of service on the Environmental Advisory Commission. The terms of service shall expire June 14, 2011 and June 14, 2012, respectively. Mr. Harbison noted that the Board was privileged to meet with six residents who expressed interest in serving on the Advisory Commission. Unfortunately there were only two vacancies. The Board of Commissioners will retain the resumes of the four other residents not selected for further consideration on the EAC, and other advisory committees. Mr. Harbison remarked that he was proud to be a part of Springfield Township with such remarkable residents volunteering to serve on the Advisory Committees.

Motion (Harbison-Gillies) carried unanimously to authorize the execution of an agreement between Springfield Township and Tri-State Financial Group for Tri-State to collect the Springfield Township business privilege and mercantile taxes for the years 2011 and 2012. Tri-State Financial Group currently collects the two aforementioned business taxes but Tri-State has offered a tiered compensation rate for the collection of the taxes at a cost savings over the current agreement with Tri-State.

Motion (Harbison-Dailey) carried unanimously to engage InR Advisory Services LLC of Media, PA, to perform the investment and administrative services for the police deferred retirement option program pursuant to the their proposal received October 22, 2010. The police DROP is a self-directed program with the cost of the investment and administrative services to be borne by the police participants. Springfield Township issued a Request for Proposals for the services and InR was found to be qualified and provided the least expensive fees for services provided.

Mr. Schaum, Chairman of Public Safety Committee, had not report.

Mr. Gillies, Chairman of Library Committee, had not report.

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

Motion (Standish-Heller) carried unanimously to extend the contract for construction inspection services provided by Michael Baker Jr., Inc., as it relates to the construction of the Bethlehem Pike Streetscape Improvement Project. The new completion date for inspection services is February 16, 2011. The purpose for the extension is the construction activities have not been completed. The contract extension will not add cost to the existing agreement with Baker for the inspection services.

Ms. Peirce, Chairwoman of Communications and Human Resources Committees, reported:

Ms. Peirce announced that the Springfield Community Foundation is organizing and sponsoring a "First Night Springfield 2010". Tentatively, the events are planned between 6:00 PM and 11:00 PM and will be held between the Erdenheim Elementary School and the Springfield High School. Ms. Peirce reviewed the variety of activities that will be available at the First Night Springfield.

Mr. Peirce also noted that the Community Foundation is also sponsoring the third annual Martin Luther King Day of Service to be held on January 17, 2011 at the Springfield High School. This event will include both an active and passive community project, the presentation of a community service award, a presentation of music and dance performances, as well as inspirational speeches.

Ms. Peirce urged residents to register on the Township website to receive email alerts on a variety of activities or occurrences within the Township.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board would next meet on Monday, November 15, 2010 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board Agenda.

With regard to the application involving 40-42 Grove Avenue, Mr. Dailey indicated that he would not be inclined to send the Township Solicitor as he believes the Zoning Hearing Board can handle the application with conditions. To the extent, the decision or conditions are not satisfactory to the Board of Commissioners, the Board could appeal the matter to the Courts.

Mr. Heller expressed his concern with the large continuum of the building in a residential zoning district. Mr. Harbison noted that the applicant had the right to construct a very similar building, with only minor adjustments to the building setbacks.

Motion (Heller-Peirce) to direct the office of the Township Solicitor to represent the Board of Commissioners in opposition to the Mascaro petition, 40-42 Grove Avenue,

Flourtown. Vote 3-4; Dailey, Gillies, Standish, Schaum opposed. The motion did not carry.

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

Motion (Heller-Peirce) carried unanimously to accept a letter dated November 9, 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 December 31, 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-Gillies) carried unanimously to approve the subdivision plan of 507 Auburn Avenue as prepared by Protract Engineering Inc., dated August 31, 2010. The subject of the subdivision is a two lot residential subdivision which maintains the existing single family dwelling and proposes a new dwelling on the newly created second lot. The approval of the subdivision is subject to the following conditions: (1) that the property owner submit for formal approval a land development for lot #1 once the actual use of the lot has been determined and prior to the issuance of a building permit, (2) Chapter 95-7(H) - the requirement to create a landscaping plan is deferred until the submission of the land development plan; the landscaping plan shall include landscaping requirements for both lot #1 and #2, (3) the requirement to create a plan to plant street trees in accordance with Chapter 95-11.I.(2), Chapter 95-11.I.(2)(a), and Chapter 95-11.I.(2)(b) shall be deferred until the submission of the land development plan, (4) the requirements of Chapter 95-10.A related to the widening of the Auburn Avenue cartway to a width of 30 feet is waived, and (5) Chapter 95-10.I requiring the installation of sidewalks along the Auburn Avenue frontage is deferred until the Board of Commissioners directs the property owner to install the sidewalks at a later date.

Motion (Heller-Schaum) carried unanimously to enact Ordinance No. 904, an ordinance amending the Springfield Township Zoning Map by changing the zoning district classification of the northwesterly side of the 100 block of Orlemann Avenue from Industrial to "C" Residential zoning district classification.

Mr. Heller wished to note that the Planning Commissions preferred the rezoning to "D" residential, but rezoning to "C" residential is better than retaining it as Industrial.

Motion (Heller-Schaum) carried unanimously to enact Ordinance No. 905, an ordinance amending the Code of the Township of Springfield, Chapter 114, Zoning, by amending and providing additional definitions for "family" and "group home".

Motion (Heller-Gillies) to enact ordinance No. 906, an ordinance amending the Springfield Township Sign Ordinance to add provisions for managing electronic

message board signs for use by schools, places of worship, government buildings, volunteer fire houses, and non-profit clubs or organizations. Mr. Heller wished to clarify with the Solicitor that the regulations for the message boards would not limit commercial free speech. Mr. Kilkenny indicated that the regulations related to the uses of the property and do not limit speech. The draft ordinance is neutral as to content of the messages on the message boards. A discussion ensued on the placement of the message board signs in residential areas that might be utilized for commercial purposes. This would not be permitted as businesses are not a permitted use within residential zoning districts unless it is a “no impact” business and one of the thresholds for a “no impact” business is the existence of signage. Vote 5-2; opposed Ms. Peirce and Mr. Heller.

Motion (Heller-Gillies) carried unanimously to waive the requirements of Section 95-11.I(11) (c) as it relates to the final subdivision plan approval of Fort Washington Properties/Homsher Hill approved by the Board of Commissioners on December 10, 2008. Mr. Heller summarized the subdivision proposed for the Pizek property on Pennsylvania Avenue, and the desire of the Board of Commissioners to clarify its position with regard to the tree replacement requirement as set forth on the approved plans.

Motion (Heller-Gillies) carried unanimously to adopt Resolution No. 1242, a resolution being adopted pursuant to Section 609.2(1)(i) of the Pennsylvania Municipalities Planning Code declaring the invalidity of the sign provisions of the Springfield Township Zoning Ordinance for failure to provide for off-premises advertising signs, also known as billboards.

Mr. Heller noted that at the regularly scheduled meeting of the Board of Commissioners on November 8, 2010, the Board of Commissioners declared the sign provisions of the Springfield Township Zoning Ordinance substantively invalid, and proposed to prepare a curative amendment to overcome such invalidity, all pursuant to Section 609.2(1) of the Pennsylvania Municipalities Planning Code. The sign provisions of the Springfield Township Zoning Ordinance do not provide for off-premises advertising signs, which unconstitutionally excludes a legitimate business use. Mr. Heller noted the desire of the Board to adopt Resolution No. 1242 in order to make specific findings setting forth the declared invalidity of the Township Zoning Ordinance within 30 days of its declaration of substantive invalidity and its proposal to prepare a curative amendment to overcome the invalidity.

There being no further business, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt

11/22/10