

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, March 9, 2011 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 honoring 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 approving same as written and recorded in the official minute book of the Township.

Mr. Harbison announced that the Board of Commissioners held an executive meeting on Monday evening, March 7, 2011, in conjunction with the workshop meeting. The Board discussed a matter of potential litigation with the Township Solicitor.

Mr. Harbison noted that some in attendance at the meeting might be interested in the proposal for billboards to be placed along Bethlehem Pike in Flourtown and Erdenheim. Mr. Harbison stated that the applicant before the Zoning Hearing Board has alleged a flaw within the Township Zoning Code. The applicant does not believe the Springfield Township Code would permit billboards within the Township. Mr. Harbison noted that the Board of Commissioners is in a process with the applicant attempting to work with the individual to consider the possible relocation of the billboards from Bethlehem Pike to a more appropriate location. Mr. Harbison indicated that the Board was united in its view against placing billboards along Bethlehem Pike, however, the Board cannot legally reject all applications for billboards as billboards may be a legitimate use. The scheduled meeting before the Zoning Hearing Board in March has been continued until the April 18, 2011 meeting of the Zoning Hearing Board.

Gail Zimmerman, Grove Avenue, stated her position in favor of multi-use trails throughout the Township. She is an avid biker and believes the trails provide a general benefit to the entire community. Furthermore, she does not believe that the users of the trail are apt to cause a crime while utilizing the trails.

Jennifer French, Suffolk Road, discussed her ongoing use of trails in the area and the beneficial contacts with residents and other users of the trails.

Michael Harkins, East Willow Grove Avenue, suggested there are generally three views of trails. Most have no opinion on trails. Then, of course, there are opponents and

proponents of trails. Speaking to those in favor of the proposed Cresheim Trail, Mr. Harkins opined that not enough effort has been put forth to consider all options of the exact location of the trail and, therefore, more effort should be expended prior to any decision being made in relation to the trail.

Jason Charles, Woods Road, did not believe that the location of the Cresheim Trail within the PECO high tension wire area was a good location. Mr. Charles works at Burke Brothers Landscaping business, also located within the PECO property. He is concerned about the ability to safely use his property if the trail was also located in this area.

Sean Burke, Cheltenham Avenue, of Burke Brothers Landscaping, expressed his concern for the every day use of the PECO property by himself and those utilizing the trail. He is also concerned with the users of the trail crossing Cheltenham Avenue, and he is concerned with vandalism of his property and equipment as a result of more people having access to the area.

Charles Carl, Louise Lane, believed the Cresheim Trail will be an asset to the community, it would help bring the community together, will provide a variety of recreational opportunities, and will provide safer travel within the Township and nearby communities.

Morgan Pape, College Avenue, thanked the Board of Commissioners for its ongoing efforts against the construction of billboards along Bethlehem Pike.

Thomas Ferrick, Ivy Hill Road, suggested that it may be appropriate to place billboards in the Industrial zoning district along Ivy Hill Road as many people refer to the area as the "badlands". With that in mind, he does not believe it would be appropriate to place a trail throughout the same area for the same reasons. Mr. Ferrick expressed his concern for liability as a property owner, and for the Township if the trail was put through his property. He expressed concern for the security of the rear of his property if individuals have access to that area. He also believes it would be difficult to operate his business without the ongoing use of the PECO property which he currently leases.

Charles McGuth, Mermaid Lane, owner of the Environmental Maintenance Company, stated his position against the Cresheim Trail being constructed as proposed. He does not believe enough information is available on the trail, and more study work is necessary. Mr. McGuth hoped that if the project would move forward, adjoining property owners would be involved.

John DeMonte, Ivy Hill Road, expressed concern with vandalism to the rear of his property, which may occur if individuals have access to the rear of the property. Mr. DeMonte provided a brief history of vandalism on the front portion of his building.

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

Motion (Harbison-Peirce) carried unanimously to approve the February check reconciliation in the amount of \$769,855.05 and the March bill listing in the amount of \$547,266.66.

Mr. Harbison announced that during the month of February, Springfield Township residents recycled 195.8 tons of materials with a householder participation rate of 72.1%. The net cost for the month was \$5,742.87.

Mr. Harbison announced that the Board of Commissioners was accepting a letter of resignation from Ron Attarian, a member of the Springfield Township Environmental Advisory Commission. Mr. Attarian has other obligations that will preclude him from participating regularly with the Environmental Advisory Commission, and therefore, he has tendered his resignation. On behalf of the Board of Commissioners, Mr. Harbison thanked Mr. Attarian for his years of services as a member of the Environmental Advisory Commission.

An announcement was made that the Commissioners anticipated an additional vacancy on the Environmental Advisory Commission and would be reviewing existing resumes on file, but residents interested in serving on the Environmental Advisory Commission should forward a letter of interest or a resume to the Township Manager.

Ms. Peirce thanked Mr. Attarian for his years of service. Mr. Heller added that residents could contact the Township via the Township website to make application to be a member of the Environmental Advisory Commission.

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

Motion (Schaum-Heller) carried unanimously to enact Ordinance No. 907, an ordinance defining unlawful conduct of minors, parents and operators of establishments as it relates to the hours of curfew. Mr. Schaum summarized the amendments which re-establish the curfew on weekdays and weekends during the school year and during summer months.

Motion (Schaum-Gillies) carried unanimously to amend the Springfield Township Code, Section 107-28, Schedule V, Stop Intersections, to authorize the installation of a stop sign on Birch Lane traveling in a northeasterly direction at its intersection with Montgomery Avenue.

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

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

Motion (Standish-Heller) carried unanimously to adopt Resolution No. 1248, a resolution endorsing and authorizing an application to the Montgomery County Community Development Block Grant program for a project known as the Brookside Road Drainage Improvement Project. This project anticipates

improving the existing spillway in the second cul-de-sac on Brookside Road in Erdenheim.

Motion (Standish-Gillies) carried unanimously to award a contract to Lawn Rangers, of Lansdale, to cut specified Township parks for their low bid price of \$17,800. On March 3, 2011, the Township received and opened five other bids for this project.

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

Motion (Peirce-Heller) to adopt Resolution No. 1250, a resolution endorsing Springfield Township's support for the continued planning, design and grant application process for the construction of the Wyndmoor section of the Cresheim Trail. Ms. Peirce read the defining paragraph of the Resolution into the record, as follows:

"Now, therefore, be it resolved by the Board of Commissioners of Springfield Township that the Board finds the "Wyndmoor Section" (Stenton Avenue to Cheltenham Avenue) of the Trail to be a positive improvement, but the Willow Grove Avenue, Paper Mill Road, and Penn Oak Road sections are specifically not endorsed at this time".

Mr. Harbison explained that previously the Friends of Cresheim Trail, which is a private organization, conducted a feasibility study on the construction of the Cresheim Trail from Philadelphia through several surrounding communities. Previously, there was some push back on the trail in other locations, and no action was taken by the Township. With the subject endorsement by the Township, the Friends of the Cresheim Trail can now speak to PECO, apply for grants, and study the specifics of the trail in greater detail. The endorsement is very specific to the Wyndmoor portion of the Cresheim Trail only. The Friends cannot act on behalf of the Township, cannot apply for grants on behalf of the Township, but can discuss the trail with other interested parties. Mr. Harbison believes that the trail may provide a nice opportunity to connect Wyndmoor with the area schools, and provide a trail to and from the Wissahickon. The resolution endorsing the Wyndmoor portion of the trail is not intended to push people out of their business, but is more an opportunity to learn about possible trail locations including, but not limited to the PECO property.

Mr. Gillies asked why the Township was not being pro-active with regard to the trail. Mr. Harbison indicated that up to this point, the Township had not taken a lead with regard to the Cresheim Trail, but was working with the Friends to consider the trail further. Mr. Gillies opined that the people in the audience raised good points with regard to area businesses, and alternatives to the Cresheim Trail proposal should be considered.

Motion (Gillies-Dailey) to table the issue of endorsing the Wyndmoor section of the Cresheim Trail through the adoption of the resolution that had been introduced.

Ms. Peirce asked whether the pending action of the Township would abrogate leases with private parties and PECO. Mr. Dailey inquired whether leases with PECO or others would be secured by the Friends. Mr. Heller stated that he was not sure about all the specifics related to the private leases.

Mr. Dailey stated his admiration for the tenacity of the Friends of the Cresheim Trail, however, he did not believe the Township would move forward with endorsing a land development plan when the work on the plan was unfinished, and therefore, should not consider the trail proposal at this time. Mr. Dailey believes that concerns continue to be raised by neighborhoods in each section of the proposed Cresheim Trail. Furthermore, the Township School District will be asked to place the trail over the district's property and, to date, it is not believed the School Board has endorsed the project. Mr. Dailey suggested that if a majority of the Board endorses the trail, then those Commissioners should face the affected property owners and state for them their interest in the Cresheim Trail. Mr. Dailey stated that he recently researched a new case wherein a municipality lost its immunity within a park because the Courts found that the municipality had made a modest improvement to the property and the lack of maintenance of the improvement caused the municipality to lose its immunity. Mr. Dailey did indicate that the case has not been reported and, therefore, not binding on the lower Courts, but because the case is so new, it may be a reported case shortly.

Mr. Standish indicated that he did not view the current endorsement of a portion of the Cresheim Trail as tacit approval of the trail. He asked for the opportunity to learn more to be swayed in one way or another with regard to approving the trail. Mr. Standish believes that more dialog is necessary on the trail, and adopting the resolution would provide more of an opportunity to gather information for a continued dialog. Mr. Standish stated that he does not want to see any harm come to an adjacent business or residence.

Mr. Gillies opined that it was not necessary to adopt a resolution to move forward with further investigation of the Cresheim Trail. He also discussed how the character of an area might change if a trail was placed in that area. Mr. Gillies expressed concern that the Township may lose its immunity if the trail area was improved as discussed.

Mr. Heller reviewed the fact that a feasibility study for the Cresheim Trail had been completed and that there were three public meetings held to discuss the study. In an unrelated study about recreational opportunities within the Township, 80% of the Township residents expressed their opinion in favor of utilizing trails. Mr. Heller said that the facilities manager of the School District did meet with the Cresheim Trail Committee, but indeed it has not become an issue for the School Board of Directors. Mr. Heller noted that he lives on a trail, which is well used, and he enjoys living there. He noted that the Friends of the Cresheim Trail are agnostic as to the location of the trail, but that the next stage of study will help site the trail for further discussion.

Mr. Schaum agreed with Mr. Heller that more study was necessary to secure answers on the proposed trail location. Mr. Schaum expressed concern for the lack of

clarity on the trail that is to be endorsed, and suggested that perhaps the Township should embrace the concept of the trail, and get more involved in the leadership of the planning of the trail.

Mr. Gillies recited the location of four trails approved by the Board of Commissioners. Those trails included one at Cisco Park owned by the Township, and trails at the Piszek, Tecce and Boorse tracts, all on private property. Mr. Gillies indicated that he was not in favor of taking private property and utilizing government funds to construct the trails. He volunteered to meet with the School Board of Directors to ascertain their position on placing the Cresheim Trail on their property.

Vote – to table the discussions on the Cresheim Trail and Resolution No. 1248: 3 votes in favor; 4 opposed (Harbison, Heller, Peirce, and Standish). Vote – Resolution No. 1248: 4 in favor; 3 opposed (Dailey, Gillies, Schaum).

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board will next meet on Monday evening, March 21, 2011 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda. Mr. Dailey also reminded all that the application related to the placement of billboards along Bethlehem Pike had been continued until the April 18, 2011 meeting of the Zoning Hearing Board.

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

Motion (Heller-Gillies) carried unanimously to accept a letter dated February 22, 2011 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 April 30, 2011. The extension relates to an amended final land development plan proposed by Federal Realty.

Motion (Heller-Gillies) carried unanimously to adopt Resolution No. 1249, a resolution adjusting various fees charged for services provided by the Code Enforcement Department. The following fees will be adjusted: (1) building permits, (2) demolition permits, (3) certificates of occupancy, (4) sign permits, (5) plumbing permits, and (6) fire permits.

Motion (Harbison-Gillies) carried unanimously to continue the March business meeting of the Board of Commissioners and to convene a public hearing to accept public comment on a proposed amendment to the Springfield Township Zoning Code clarifying the construction and maintenance of billboards as a permitted use in the Industrial Zoning District.

The Board of Commissioners conducted a public hearing on a proposed amendment to the Zoning Code.

Motion (Harbison-Gillies) carried unanimously to reconvene the regular business meeting of the Board of Commissioners and open the agenda for settling a real estate tax assessment appeal.

Motion (Harbison-Gillies) carried unanimously to settle the McCafferty vs. Springfield Township real estate tax assessment appeal in the amount of \$5,583.96. This is case # 06-28240 of the Montgomery County Court of Common Pleas. Mr. Harbison asked for any public comment on the proceedings. No public comments were received.

Gail Zimmerman, of Grove Avenue, readdressed the Board of Commissioners and suggested that the Board consider walking the multi-purpose trail between Norristown and Conshohocken to see how a trail may be incorporated into an industrial area.

There being no further business, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Donald E. Berger, Jr.  
Secretary