

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, June 8, 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-Heller) carried unanimously dispensing with the reading of the minutes of the previous meeting and approving same as written and recorded in the official minute of the Township.

Mr. Harbison announced that Commissioners Dailey and Peirce were running late but both were expected to attend the meeting.

Mr. Harbison acknowledged the presence of past Commissioner Jane Roberts in the audience.

An announcement was made that later in the evening the Board of Commissioners would conduct three public hearings to accept public comment on the following topics: (1) the interest of the Wyndmoor Hose Company to finance a new quick response service truck through the issuance of a \$100,000 bond, (2) a draft ordinance providing regulations for the operation and maintenance of seasonal sidewalk cafés, and (3) a draft ordinance creating a Human Relations Commission and prohibiting discrimination. Mr. Harbison asked that all questions or comments related to those topics be held for those particular hearings.

Mr. Harbison indicated that Howard Supplee, of Orlemann Avenue, had asked for the Township's assistance to eliminate ambient light from a nearby security light that is entering his property. The Code Enforcement Department was assured cooperation but, unfortunately, to date the work has not been completed. If the matter is not resolved by June 15, citations will be issued. Mr. Supplee also raised concerns for mosquitoes that might eventually breed in sedimentation basins located on the Tank Car property and on Pennsylvania Avenue near Camp Hill Road. Contact was made with both responsible parties, but cooperation was not assured. The Township asked for assistance from the Montgomery County Health Department who was to inspect the basins on this date.

Mr. Dailey indicated that he was contacted by Gemma Pompizzi, 615 Arlingham Road, regarding a political flier she received indicating that Sen. Vincent Hughes was utilizing the Township Building for what she believed were political purposes. Mr. Harbison indicated that the initial request that he and the Township received was an official request from the Senator's office and was non-partisan, indicating the Senator would address residents interested in the proposed State budget. Mr. Dailey suggested that the flier was more politically oriented and suggested that the Township Building not be utilized for political purposes.

Roger Lawrence, 8380 Flourtown Avenue, indicated that stormwater currently enters his property from the Township field adjacent to the Wyndhill Professional Center. He asked that, if the Board of Commissioners considers regrading this site, improvements be included to intercept the stormwater before it enters his property.

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

Motion (Harbison-Schaum) carried unanimously to approve the May check reconciliation in the amount of \$1,021,645.85, and the June bill listing in the amount of \$663,783.30.

Mr. Harbison announced that during the month of May, Springfield Township residents recycled 202.9 tons of materials with a householder participation rate of 82.1%. The net cost for the month was \$5,194.53. An explanation for the net cost for operating the recycling program was provided. The revenues or cost avoidance aspects include payment from a vendor for the recyclable materials, a cost avoidance for each ton of materials recycled as opposed to being sent to the resource recovery plant, and finally, a State performance grant based upon the tonnage recycled by the community. The expenses are the usual labor, equipment and recycling processing costs, as well as the monthly RecycleBank costs for a coupon program available to residents who recycle.

Motion (Harbison-Peirce) carried unanimously to reappoint Deirdre Martinez as a member of the Springfield Township Environmental Advisory Commission for a new three year term of service to expire June 14, 2014.

Motion (Harbison-Schaum) carried unanimously to enact Ordinance No. 911, an ordinance establishing the interest rate for the collection of municipal claims and delinquent accounts.

Mr. Harbison explained that a recent Commonwealth Court decision mandated that municipalities set a specific interest rate by way of an ordinance in order to impose an interest rate when collecting delinquent accounts through the Municipal Claims and Tax Liens law.

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

Motion (Schaum-Heller) carried unanimously to amend the Springfield Township Code Section 107-32, Schedule IX, Parking Prohibited, to prohibit parking on the northwesterly side of Northwestern Avenue from its intersection with Ridge Pike to its terminus.

Motion (Schaum-Gillies) carried unanimously to amend the Springfield Township Code Section 107-34, Schedule XI, No Parking Certain Hours, to clarify the days and hours that parking is prohibited on Bethlehem Pike through Erdenheim and Flourtown. The parking restrictions include both sides of Bethlehem Pike from a point 250 feet north of Meadowbrook Lane to the Whitemarsh Township boundary line from 7:00 AM to 9:00 AM, and 4:30 PM to 6:30 PM, except Saturdays, Sundays and Holidays. Mr. Schaum clarified the fact that there are no actual changes to the parking restrictions, and this was merely a housekeeping action to match the postings to the Township Code.

Motion (Schaum-Dailey) carried unanimously to waive Section 3301.1(12) of the Springfield Township Fire Prevention Code related to a fireworks display to be hosted by the Springfield Rotary Club at the Springfield Township High School on July 2, 2011. The waiver is conditioned upon the Springfield Rotary Club and their fireworks professional adding Springfield Township as an additional insured on their certificates of insurance for the event. Furthermore the organizations involved are asked to work closely with the Township Fire Marshal to help prevent an accident and to create a plan of action in the event an accident does occur during the activity.

Motion (Schaum-Gillies) carried unanimously to waive Section 3301.1(12) of the Springfield Township Fire Prevention Code related to a fireworks display to be hosted by the North Hills Country Club at the Country Club on September 4, 2011. The waiver is conditioned upon the North Hills Country Club and their fireworks professional adding Springfield Township as an additional insured on their certificates of insurance for the event. Furthermore the organizations involved are asked to work closely with the Township Fire Marshal to help prevent an accident and to create a plan of action in the event an accident does occur during the activity.

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

Mr. Gillies asked if the policy on reading correspondence at a public meeting could be reviewed at this meeting. Mr. Harbison stated that the Board policy for reading correspondence received by the Township would include when an individual writing the correspondence specifically asks that the letter be read at a future public meeting, and

when an individual is following a particular issue at previous meetings, and is unable to attend a particular meeting but wished to convey their position on the specific topic of interest.

Mr. Gillies also stated that he had been reviewing the invoices from the Township Solicitor and noted that the rate paid the Solicitor, a partner, and his associate partner was identical. Mr. Gillies suggested that perhaps a sub-committee of the Board be established to review in detail the invoices from the Solicitor. Mr. Kilkenny offered to meet with Mr. Gillies to review the invoices and remarked on the discount provided for work on the billboard litigation, as well as correcting an administrative error with regard to invoicing for his associate's time to attend the township meetings. Mr. Harbison remarked that the one rate for the firm is a blended rate for partners and associate partners, both being less than their standard market hourly rate. He further suggested that Mr. Kilkenny and township staff can make themselves available to work with Mr. Gillies to review any specific concerns. Mr. Gillies returned to his suggestion that a sub-committee be created. Mr. Harbison asked whether Mr. Gillies felt the special tax collector, Jenny Brown, should have discounted her invoice to the Township based on the fact that the Board of Commissioners did not accept her legal recommendation on information that the Board of Commissioners would otherwise routinely be provided. Mr. Gillies concluded by suggesting that Mr. Kilkenny should perform more of the legal work assigned by Springfield Township.

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

Motion (Standish-Gillies) carried unanimously to amend the Springfield Township Code Section 107-30, Schedule VII, Vehicle Weight Limits, by posting East Mill Road with a 38,000 lb. maximum gross weight, except emergency vehicles, from Church Road to Penn Oak Road.

Motion (Standish-Heller) carried unanimously to award a contract to Tri-State Dredging, of Philadelphia, to construct the Paper Mill Run Stream Bank Stabilization project. The contract includes their base bid, alternate #1, and alternate #2, for a total bid price of \$165,020.00. On May 24, 2011, the Township opened four bids for the project. Tri-State Dredging submitted the low bid, and their references were found to be satisfactory. The stabilization project involves a variety of construction methodologies to stabilize the Paper Mill Run between Paper Mill Road and the existing footbridge in Cisco Park. It was noted that the project is being funded through a grant from Merck Consumer Healthcare.

Motion (Standish-Peirce) carried unanimously to award a contract to B. Blair Corporation, of Ivyland, PA, to construct the St. Joseph's Run Drainage Improvement Project. The contract includes their base bid and alternate #1 for a total bid price of \$162,763.95. On May 24, 2011, the Township opened five bid proposals. B. Blair Corporation submitted the low bid, and their references were found to be satisfactory. The drainage improvement project includes the

construction of storm sewer pipes and structures within Atwood Road and Longfield Road in Erdenheim.

Motion (Standish-Gillies) carried unanimously to award a contract to Glasgow Inc., of Glenside, to perform the specified work associated with the 2011 street resurfacing and milling program for their low bid price of \$188,352.80. On June 1, 2011, the Township opened five bid proposals. Glasgow Inc. was the low bidder, and their references were found to be satisfactory.

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

Motion (Peirce-Heller) carried unanimously to appoint Greg Luce, of Erdenheim, to a new three year term of service as a member of the Parks and Recreation Advisory Committee. The new three year term of service shall expire May 12, 2014.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the next meeting of the Zoning Hearing Board would be held on Monday evening, June 20, 2011, at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda.

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

Motion (Heller-Schaum) carried unanimously that in compliance with Section 512 of the Pennsylvania Municipalities Planning Code, the Board of Commissioners waive the formal land development review process for the construction of 36 off-street parking spaces and related stormwater management and landscaping improvements for the Wyndhill Professional Center, 8200 Flourtown Avenue. The waiver was conditioned upon the property owner constructing the improvements as shown on the land development and landscape plans dated September 24, 1982 and March 29, 2011. Furthermore, the property owner is to work with the Township Fire Marshal to establish, or re-establish, fire lanes within the parking areas, and to make improvements to signage to more clearly designate traffic patterns in the facility. Mr. Harbison provided a brief history of the plan and the parking that was placed in reserve. The property owner provided information on the need to establish additional off-street parking and this parking will come with additional stormwater management.

Motion (Heller-Gillies) carried unanimously to accept a letter dated June 1, 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 July 31, 2011. The extension relates to an

amended final land development plan proposed by Federal Realty which includes the renovation of several existing retail areas, the construction of a 5400 sq. foot retail building and the renovation of a portion of the old K-Mart Store.

An announcement was made that on June 15, 2011 beginning at 7:00 PM in the Township Building, the Board of Commissioners will be interviewing six architectural firms for a possible engagement to renovate the municipal campus on Hawthorne Lane.

The Board of Commissioners continued the monthly business meeting of the Board of Commissioners and opened a public hearing with regard to the Wyndmoor Hose Company's interest to issue a \$100,000 bond in order to help finance the purchase of a new quick response service truck. The Board of Commissioners conducted the public hearing for the Wyndmoor Hose Company.

Motion (Harbison-Heller) carried unanimously to close the public hearing and reconvene the monthly business meeting.

Motion (Harbison-Schaum) carried unanimously to adopt Resolution No. 1254 and to authorize the execution of an agreement with the Wyndmoor Hose Company in conjunction with the Hose Company issuing a \$100,000 bond to purchase a quick response service truck.

Motion (Harbison-Gillies) carried unanimously to continue the monthly business meeting and open the second public hearing of the evening to consider an amendment to the Springfield Township Zoning Code providing regulations for operating and maintaining seasonal sidewalk cafés. The Board of Commissioners conducted the public hearing to consider the Zoning Code amendment for seasonal sidewalk cafés.

Motion (Harbison-Heller) carried unanimously to close the public hearing to consider amending the Zoning Code to provide regulations for seasonal sidewalk cafés and to open a public hearing on an ordinance establishing a Human Relations Commission and prohibiting discrimination. The public hearing was conducted on a proposed ordinance creating a Human Relations Commission and prohibiting discrimination.

Motion (Harbison-Schaum) carried unanimously to close the public hearing and reopen the monthly business meeting.

Joan Parsons, of Oreland, suggested that the word "entity" in the definition of discrimination in Section 3 appeared to be ambiguous and a catch-all phrase. Ms. Parsons was informed that was indeed the intent of utilizing the word "entity".

Jude Brant appreciated the need to define terms to help avoid ambiguity with the ordinance, but suggested that many Fortune 500 companies have been able to work through the establishment of similar anti-discrimination policies. Ms. Brant also wished to state that the gay, lesbian, bi-sexual and transgender members of the community were not out to test the system, but are pleased with the consideration.

Dr. Donna Cavallaro, 7711 Gate Road, asked for a brief explanation on the difference between a first class township and a home rule community, as well as laws related to the issue being discussed. Mr. Kilkenny provided a brief explanation of home rule communities and how they have been historically established. He also discussed a case involving the City of Allentown that extended the protected classes such that is under consideration by the Township.

Joan Parsons, of Oreland, addressed the Board of Commissioners and asked, if members of the Springfield community created a celebration which included lewd dress similar to the mardi gras celebration in New Orleans, would such a celebration be restricted. Mr. Kilkenny suggested that lewd or illegal activities are illegal and can be addressed accordingly.

Nancy Boyd, 6 Chesney Lane, stated her appreciation for the debate necessary to draft a piece of legislation such as the Board of Commissioners is considering with the Human Relations Commission ordinance. Furthermore, she appreciated the affirmative action of the legislation that all people have a right to live in Springfield Township and are respected.

The meeting was adjourned at 10:40 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
6/16/11