

MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, October 10, 2012 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. Gillies presided.

Mr. Gillies asked everyone to join the Board of Commissioners in a moment of silent reflect honoring the service men and women who have placed themselves in harm's way in order to help p reserve our safety.

Mr. Gillies 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. Gillies introduced Andrew Freidbmuth of the Wisler Pearlstine law offices substituting for the Township Solicitor, Mr. Garrity.

Special Reports

Girl Scout Brittany Richter, her parents, fellow scouts, and scout leaders joined Commissioner Schaum at the front of the room to present Ms. Richter with a letter of congratulations on the occasion of Ms. Richter receiving the Gold Award from the Girl Scouts USA.

Mr. Gillies noted that at the September 10, 2012 workshop meeting of the Board of Commissioners, Ms. Judson, 140 Northwestern Avenue, asked if the Board of Commissioners might consider restricting parking directly across Thomas Road from her driveway. The Police Traffic Safety Division reviewed the request and did not identify any extenuating circumstances to restrict parking as requested. As a result, the Board of Commissioners did not take any action to restrict the parking any further.

Mr. Dailey expressed his dismay that the previous Sunday, the Springfield Democratic Party released a robo call to households throughout the Township urging residents to call Mr. Dailey's home to encourage him not to vote for the rezoning of the Boorse tract. He was particularly upset that residents thought it appropriate to call his home as late as 10:30 PM and the calls continued for several days upsetting his children and wife. Mr. Dailey believes that the action was harassment and an attempt to intimidate him and his family, and again was particularly concerned with the lack of respect for his family. As a result, he is contemplating filing a private criminal complaint for harassment.

Mr. Gillies remarked that the Board of Commissioners is elected by wards and therefore the effort to reach out beyond the ward that Mr. Dailey represents was distasteful. Mr. Gillies expressed his disappointment with Sean Kilkenny, past Solicitor for Springfield, and a leader of the area Democratic Party, for his participation in the call.

Ellie McNichol, 113 Atwood Road, and an employee of PoPo Jewelry, indicated that she was representing her business and other local businesses to express an interest for the Board of Commissioners to amend the Township restrictions that prohibit the use of sandwich boards as temporary advertisements in the Township. Ms. McNichol presented a proposal with parameters for respectful use of the sandwich boards. The Board of Commissioners was aware of the interest and had previously assigned a project to the Township Planning Commission to review the matter.

Genie McClintock, 17 Brookside Road, addressed the Board of Commissioners and reminded the Board of the interest of the Brookside Road residents that the Board include funds in the 2013 budget to improve the drainage in the Brookside Road neighborhood.

Paul Dorazio, 1410 Bethlehem Pike, indicated that his business has utilized sandwich board advertisements in the past. He believes that the signs can be constructed to remain stable on the property, and not be a nuisance. He believes the sandwich boards are useful as they are able to advertise multiple services and are easily changeable.

Mike Kolodner, 1007 Fraser Road, addressed the Board of Commissioners and urged that they not vote in favor of the rezoning of the Boorse tract on Camp Hill Road for the following reasons: (1) alleged that the action would be spot zoning, (2) understood that the previously granted age restriction provided for a greater density in the housing, and that age restriction is, in essence, being removed, (3) the Township Planning Commission voted 9-0 recommending against the rezoning, (4) the current age restricted legislation has no teeth to truly attract older residents, (5) while there is a limit to three bedrooms in each dwelling unit, he believes this option will attract younger families and is concerned that the School District has not planned for the additional children, (6) the Piszek tract in Springfield Township will be developed in a similar fashion and he noted that the developer believes the housing stock would attract older residents, and (7) drew attention to the fact that the developer contributed in excess of \$10,000 towards the Republican Party for the first rezoning request and he did not think that was appropriate.

Several members of the Board discussed the robo call that encouraged individuals to call Commissioner Dailey's home, and stated their distaste for that action. Mr. Kolodner stated he had no direct involvement with that action. Mr. Bell asked Mr. Kolodner if he was accusing him of taking campaign money that would influence his decision on the Boorse tract. Mr. Bell stated that his campaign did not benefit from any contributions to the party.

Adina Bernbaum, 15 West Mill Road, stated that it was a sad time in Springfield Township alluding to the recent suicide of a high school student. Ms. Bernbaum then focused on the rezoning of the Boorse tract, and indicated that she followed the two

rezoning applications for the property, and noted that the original zoning provided for approximately 17 dwellings, but the Board of Commissioners granted a density more than double of that permitted. She also made mention that the developer provided funding to the Republican Party and assumed the developer expected something in return. Ms. Bernbaum was asked about her involvement in the robo call, and she indicated that she was aware of the call but was not directly involved. In conclusion, Ms. Bernbaum opined that the Board of Commissioners may not have done anything illegal, but that the granting of the rezoning would be wrong. She believed that the Commissioners should take the time to compromise with the developer for a few less homes if the rezoning were to be considered, and this may also have a positive impact on stormwater management.

Bob McIntyre, 111 Erdenheim Road, apologized for the calls to Mr. Dailey's home, and noted that he had emailed Mr. Dailey on the subject of the rezoning of the Boorse tract. Mr. McIntyre asked whether the Planning Commission did indeed unanimously reject the proposal to rezone the Boorse tract, and also asked if it was true that the Republican Party received donations from the developer.

Pat Hynes, 808 Pleasant Avenue, indicated that he too followed the rezoning of the Boorse tract in the past. It was his understanding that the intent was to create housing for seniors. While there was talk that the market changes, he was not certain what changed with regard to the need for housing for seniors. He mentioned the adage of "paying to play" in Philadelphia, and suggested it was not good if it occurs in Springfield Township.

Brennan Breine, 265 Northwestern Avenue, addressed the Board and discussed working from the position of fact as opposed to establishing positions on issues surrounding a development proposal. He opined that the constituents this evening have been speaking against the Boorse rezoning proposal, and he would like the Commissioners to continue the debate. He was curious why the Board of Commissioners was moving forward with a vote on the rezoning proposal, when the Planning Commission had made a recommendation against the proposal. He concluded by suggesting that the Township work with the Montgomery County Planning Commission to improve upon the proposal.

Debra Gaylor, 309 Poplar Road, expressed her disappointment with the results of the robo call encouraging individuals to call Mr. Dailey. However, checking with the Township website, Mr. Dailey lists his home telephone number to receive calls. Furthermore, the website recommends that residents call the commissioners after normal business hours. Mr. Gaylor suggested she too attended meetings of the Planning Commission and noted their unanimous vote against the rezoning of the Boorse tract. She also recounted the discussions by the Board of Commissioners at their October workshop meeting.

Jane Roberts, 1106 Churchill Road, also expressed her dismay with the late telephone calls to the Dailey residence. She recounted her involvement as a Township Commissioner in establishing a AAA Residential Zoning District and was pleased with the planning process established which, among other things, was to preserve open space, wooded areas, and similar features. Mrs. Roberts indicated that both the Tecce and the

Boorse developers rewrote the AAA Residential zoning ordinance, which initially had no age restriction but perhaps it was appropriate to consider housing for smaller families and snowbirds with no impact on the schools, therefore providing less impact on the community and slightly more density. Mrs. Roberts appreciated the difficult housing market and concessions might be appropriate related to the age restriction.

Mr. Gillies, Chairman of Internal Affairs Committee, reported:

Motion (Gillies-Dailey) carried unanimously to approve the September check reconciliation in the amount of \$840,372.58 and the October bill listing in the amount of \$1,371,651.74.

Motion (Gillies-Dailey) to enact Ordinance No. 918, an ordinance amending the Springfield Township Code Chapter 114, Zoning, by deleting the existing AAA Age-Qualified Residential Overlay District, and establishing a new zoning district identified as AAA Age-Targeted Residential Overlay District. In summary, the AAA Age-Targeted Residential zoning district provides for residential development in the form of clustered single family detached dwellings or single family attached dwellings to preserve natural features on tracts of land of ten acres or greater, and also provides for standard 12,500 sq. ft. residential lots for tracts of land less than ten acres in size. The permitted uses include single family dwellings, golf courses, parks, nature preserves, and arboretums. Other uses permitted by special exception include churches or chapels, elementary schools, nursery schools, and family day care homes. The ordinance establishes development density, open space requirements, lot size, lot width, building setbacks, building coverage, building height limits, as well as requires a natural features inventory analysis, and establishes cluster neighborhood requirements.

Mr. Standish stated he planned to vote against the rezoning of the Boorse tract and felt he had one of the longest relationships with the development due to his tenure as a member of the Township Planning Commission and the Board of Commissioners. He previously voted for the age restricted zoning ordinance. He is not convinced that the development is a bad development as it sits, and discussed examples related to the setback requirements. He expressed his disappointment with the Township Planning Commission because he believed the Board of Commissioners asked the Planners to review the ordinance and make comments on same, but the Planners focused on the actual development and recommended against the development. In conclusion, he suggested that the AAA Residential Zoning District should be revisited.

Mr. Gillies stated that he was involved in passing the AAA Residential Zoning District and does not believe the district is in bad condition, but certainly could use minor amendments. He believes that the ordinance allows for negotiations between

the developer and community to make the development appropriate for the site. He noted that the Township attempted to purchase the property for \$890,000, but if that purchase was made, funds would not have been made available for stormwater improvements throughout the Township and no taxes would be received for the use of the property. The linking of the trails from this development to surrounding communities was an important feature for the community as well as the installation of expensive sanitary sewer improvements. Mr. Gillies also noted that the Township will benefit from the real estate transfer tax revenues, as well as applying a 125% meadow standard for stormwater management. The roadways will not be dedicated and therefore, there will be no road maintenance or refuse collection required. Mr. Gillies suggested that two of the attached homes as proposed equal the impervious surface of one typical single family dwelling. He does not believe an age restricted community is a diverse and dynamic community and no sense of community would be established within such a development.

Ms. Peirce stated that she would not support the rezoning of the Boorse tract and views the process of a development approval as an algebraic equation wherein a change on one side of the equation requires a change on the other side as well. Therefore, with elimination of the age restriction within the development, additional changes to the overall development are warranted.

Mr. Bell stated that his main focus has been on the residents of the Township. He acknowledged the recommendation from the Springfield Township Planning Commission that differed from that of the Montgomery County Planning Commission. He suggested there would be benefit to the neighbors through the creation of open space, recreational opportunities and the extension of the sanitary sewer system. In reference to the Montgomery County Planning Commission, the Commission stated in their recommendation letter that there would be no significant difference in development between the existing zoning classification and that proposed, and there would be no impact on the community. Mr. Bell would like to take steps to make sure that the development is a successful development.

Mr. Harbison remarked that he was glad that the meeting room was full as that indicates a concern and interest in the development. He stated that he planned to vote against the Boorse tract rezoning for the following reasons: (1) he voted against the plan the previous time it was presented as age-restricted, he thought the plan was too dense and the design too vertical for older people, (2) the Springfield Township Planning Commission voted unanimously in opposition to the rezoning, (3) the existing age-restricted classification is clean and realizes the purchasers' ages as the criterion to make the community as desired, (4) the previous rezoning for age restriction would have permitted approximately 21 dwelling units, during the rezoning the number was increased to 39 units in return for sanitary sewer hook-ups for neighbors and the construction of hiking trails; now the developer is requesting

the age restriction be eliminated without changing the plans, (5) the developer has been very generous in his campaign gifts to the Commissioners, and when special treatment is provided to the benefactors of the Commissioners, the public loses respect for the Commissioners. In conclusion, Mr. Harbison stated that the developer has the right to develop their property with the applicable zoning, and therefore, has the right to built approximately 21 houses. The neighbors, in turn, have the right to expect that the laws limiting their neighbors will be enforced. Mr. Harbison would like to see a plan with approximately 30 market priced homes with more stormwater retention.

Mr. Dailey viewed the development as an opportunity for construction jobs and a positive impact on the School District tax situation. He expressed his disfavor for an age restricted development and did not believe that the restructuring of the school system indicated any plan for future development within the Township. While he disagreed with the advisory recommendation from the Planning Commission, he does appreciate the service provided by the residents who serve on the Planning Commission.

Mr. Schaum expressed his appreciation for the style of home that would be available to a particular age group. He also values the addition of the sanitary sewer extension, trails and open space preservation. The proposed development does not change the style of the home, and he believes the style of the home will indeed attract the age classification desired. Mr. Schaum noted the political pressures to vote against the development, but believes the development is a good one.

Vote 4-3, in favor of the enactment of Ordinance No. 918; opposed Harbison, Peirce, Standish.

Mr. Gillies stated that over his 14 years of serving Springfield Township, there have been accusations each time there is non-agreement with a particular proposal. He wished to confirm that there is no bad intention with a vote in favor of the ordinance.

Motion (Gillies-Dailey) to enact Ordinance No. 919, an ordinance amending the Zoning Map of Springfield Township by rezoning Montgomery County Tax Parcel 52-00-14023-00-1, Springfield Township Tax Map Block 51, Unit 11, more commonly known as the Boorse Tract, with an address of 10 Camp Hill Road, Fort Washington, through the application of the AAA Age-Targeted Residential Overlay district on the subject property. Vote 4-3 in favor of enactment of Ordinance No. 919; Harbison, Peirce, Standish opposed.

Mr. Gillies made an announcement with regard to the tentative meeting schedule through the adoption of the 2013 budget:

<u>Purpose</u>	<u>Date</u>	<u>Time</u>
Budget Workshop	10/24/12	7:00 PM
Budget Presentation	11/14/12	8:00 PM
Budget Hearing	12/12/12	8:00 PM
Budget Adoption	12/19/12	8:00 PM

All meetings will be held in the Springfield Township Building.

Motion (Gillies-Peirce) carried unanimously to adopt Resolution No. 1278, a resolution distributing the 2012 Pension Fund State Aid to the three pension plans. The value of the State Aid received is \$361,187.08.

Motion (Gillies- Harbison) carried unanimously to engage the services of Bee Bergvall and Co., Certified Public Accountants, to audit both the Township General Fund and Pension Fund for the year 2012 pursuant to their letters of engagement dated September 11, 2012. The general fund audit will cost \$17,200 and the pension fund audit will cost \$3,575.

Mr. Schaum, Chairman of Public Works and Safety Committees, reported:

Motion (Schaum- Bell) carried unanimously to appoint both Michael Pitkow and Donald Fantry to the position of Police Lieutenant, effective December 3, 2012. Mr. Schaum remarked that both gentlemen did exceedingly well in the examination and review process that was administered by a national police evaluation firm. Mr. Schaum provided background information on both Messrs. Pitkow and Fantry. Mr. Schaum also thanked Messrs. Pitkow and Fantry for their years of service and congratulated them on their promotions and stated he looks forward to working with both gentlemen in their new leadership positions.

Mr. Schaum noted that as a result of the promotions of the two police sergeants, a formal testing evaluation and interviewing process took place to consider promotions to the positions of police sergeant and police corporal. The Board of Commissioners will consider making promotions in these ranks at the November business meeting.

Motion (Schaum-Bell) carried unanimously to amend the Springfield Township Code Section 107-34, Schedule XI, No Parking Certain Hours, by prohibiting parking on the northwesterly side of Haws Lane from 8:00 AM to 4:00 PM except Saturdays, Sundays and holidays, from its intersection with Wedgewood Road to the Route 309 Expressway.

An announcement was made that there is currently a vacancy in the alternate member position on the Springfield Township Police Civil Service Commission. The Commission meets on an as-needed basis and may oversee and certify examinations for all police civil service positions, research and recommend amendments to the Police Civil Service Regulations, and conduct hearings on appeals of disciplinary actions within the Police Department. Residents interested in serving on the Police Civil Service Commission were provided direction on how to submit their name for consideration.

Mr. Standish, Chairman of Human Resources Committee, had no report.

Ms. Peirce, Chairwoman of Library Committee, had no report.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board would next meet on Monday evening, October 22, 2012, at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board Agenda.

Mr. Harbison, Chairman of Cultural Resources Committee, had no report.

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

Motion (Bell-Dailey) carried unanimously to approve the Serratore Subdivision, 629 and 631 Bethlehem Pike, Erdenheim. The subdivision plan is dated July 27, 2012 last revised September 9, 2012. The subject of the subdivision is a lot line change between two existing and developed properties. The approval of the subdivision plan is subject to the applicant complying with comments in a letter dated October 4, 2012 between the office of the Township Engineer and the Code Enforcement Officer. In addition, the approval includes a waiver to the following Township requirements: (1) Section 95-11.I.(1)(a) requiring perimeter landscape screening improvements, (2) Section 95-11.I.(2) related to the location of street trees within the front yard, (3) Section 95-11.I.(3) requiring landscaping within all off-street parking and loading areas, and (4) an aerial photograph will be accepted in lieu of providing a survey plan of existing features within 200 feet of the site as required by Section C of the Springfield Township Subdivision and Land Development checklist.

Motion (Bell-Standish) carried unanimously to accept a letter dated October 3, 2012 from Michael W. Cassidy, attorney for LaSalle College High School, extending the 90 day land development plan review period without limitation as to time as it relates to the review of a land development plan of LaSalle College High School related to planned renovations at the Flannery athletic field.

Motion (Bell-Schaum) carried unanimously to approve the subdivision plan of Built Solid Inc., c/o Sal Paone Builder, for the Piszek tract, Pennsylvania Avenue near Camp Hill Road, Oreland. The subdivision plan is dated July 19, 2012, last revised September 21, 2012. The subdivision is a three lot residential subdivision subdividing the open space from the two lots that contain the developable portions of the property. Once subdivided, the current owners will convey the open space to a local conservancy in order to maintain the open space in perpetuity. The approval was subject to the applicant complying with all aspects of a letter dated October 1, 2012 from the office of the Township Engineer to the Township Code Enforcement Officer. The approval also includes deferment of the following provisions of the Springfield Township Code: (1) Section 95-7.H requiring the creation of a landscape plan, (2) Section 95-10.I requiring the installation of concrete sidewalks, (3) Section 95-11.D requires that lot lines intersecting street lines be substantially at right angles, or radial to the street lines from the street line to the rear lot line, (4) Section 95-11.E requires dedication of open space, (5) Section 95-11.I.(1) requiring the installation of a landscape buffer, and (6) Section 95-11.I.(2)(b) requiring the installation of street trees. The Board of Commissioners granted these deferments as these requirements will be addressed as a part of the original approved subdivision related to the developable portions of the property. The approval is also granted conditioned that the plans and all plan notes shall be approved by the office of the Township Solicitor prior to recording of the plans.

Mr. Bell announced that during the month of September, Springfield Township residents recycled 195.5 tons of materials with a householder participation rate of 75.3%. The net cost for the month was \$8,109.53. Mr. Bell also alerted residents to an electronic recycling event to be held at the Springfield Township High School on October 27, from 9:00 AM to 3:00 PM. More information is available on the Township website.

There being no further business, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary