

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, July 10, 2013, at 8:10 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 announced that the Board of Commissioners held an executive session meeting earlier in the evening in order to discuss a matter of litigation with the Township Solicitor.

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

Special Report

As a result of complaints from Mr. Supplee, of Orlemann Avenue, the Code Enforcement Department asked the District Justice to reinstate the citation related to lighting from the First Student Bus Depot on Oreland Mill Road that is shining onto Mr. Supplee's property. At such time as the Township understands the schedule of the District Court, the Township will advise Mr. Supplee in order that he might attend the hearing.

Mr. Gillies noted that Cheltenham Transportation LLC, the tenant on the Tank Car of America property, 1725 Walnut Avenue, recently began to make modifications to that property without notice to the Township and without first obtaining the necessary land development approvals. This property is also the site of a significant environmental clean-up operation by the US EPA. The tenant was instructed to cease property modifications until plans can be examined by the US EPA and the Township. Cheltenham Transportation plans to use the Tank Car property as a school bus parking and storage facility that will primarily service the Cheltenham School District. Proposed improvements include grading and the installation of lighting, fencing, a diesel fuel storage tank, as well as two trailers to provide office space and rest room facilities for the bus drivers. These improvements are of concern to the US EPA and the Township. In response to a Township cease and desist order related to the lack of land development approval, Cheltenham Transportation provided the Township with a site plan and documents describing their proposed improvements. Cheltenham Transportation has also

requested the Township to waive its land development plan requirements. The Board of Commissioners is currently reviewing the request with the assistance of the Township Engineer, who will comment on the advisability of a land development waiver. Cheltenham Transportation was advised that the Board of Commissioners could not consider a vote on the land development waiver until the Board's August meeting, and as such Cheltenham Transportation has specifically been advised that no use or development activity shall take place on the site. Any violation of this order will be cause for the Township to consider more formal action.

Mr. Gillies called on Jean Holland, Community Planner with the Montgomery County Planning Commission, to make a presentation on the draft comprehensive plan update for Springfield Township. Ms. Holland noted that this was her fourth appearance before the Board of Commissioners, and the Planning Commission has spent several years at their meetings working to update the Township Comprehensive Plan. The last update was dated 1998, and since that time, various other plans and documents have been created and incorporated into the Comprehensive Plan. The Township Planning Commission made a tremendous effort to secure public input, and all those efforts are documented within the draft plan.

With regard to the Comprehensive Plan, Ms. Holland highlighted some of the demographic changes. Those changes included the increase in single individuals classified as households and a reduction in the number of households that are classified as families. The median household income for Springfield Township is now \$94,732. The thrust of the comprehensive plan revolves around nine major goals. Ms. Holland reviewed each of the goals and they included the following: (1) land use, (2) community facilities and municipal services, (3) natural resource protection, (4) historic resource protection, (5) housing, (6) transportation, (7) commercial districts and economic development, (8) energy and resource conservation, and (9) sustainability.

Mr. Gillies inquired whether the Township demographics and growth models were similar to the County. Ms. Holland indicated they were very similar. Mr. Bell wished to comment on how diligent Ms. Holland and the Springfield Township Planning Commission have been in working through this very elaborate planning document. In return, Ms. Holland expressed her appreciation for the support provided by the Township Planning Commission, Township staff and the Board of Commissioners. In conclusion, Ms. Holland indicated that when the Board of Commissioners is ready to commence the required 30 day review process, the Township will be required to provide copies of the plan to surrounding communities, the school district and Montgomery County.

Tom Callis, 8931 Montgomery Avenue, addressed the Board of Commissioners and noted that the Board had purchased 8911 Montgomery County, directly next door to him and asked if there were specific Township standards for purchasing properties and wondered if his property would comply. He was also interested in the PEMA flood mitigation program as it related to the Hemlock Road properties. Mr. Gillies indicated that 8911 Montgomery Avenue was purchased to perform stormwater management improvements and those improvements will be combined with improvements upstream to

help this area and areas downstream with flooding. Mr. Dailey discussed the PEMA criteria as applied to the Hemlock Road properties. Mr. Callis agreed that stormwater management improvements were needed in the area.

Christina Hesser, 127 Orlemann Avenue, thanked the Board of Commissioners for their time as it related to the activities of the Tank Car Corporation property. She urged the Commissioners not to grant a waiver to the land development process related to the proposal of Cheltenham Transportation to place a bus depot at this location. She also wished to draw attention to the significant landscape buffer between the Tank Car property and the neighbors on Orlemann Avenue noting the importance of the buffer to the neighbors.

Mr. Gillies recognized Sean McLafferty, a member of Boy Scout Troop 177. Mr. McLafferty addressed the Board of Commissioners indicating that he was attending the meeting this evening in relation to the requirements for his communication merit badge.

Richard Gillanders, 2103 Fairwold Lane, addressed the Board of Commissioners to clarify a statement made by a representative of Cheltenham Transportation wherein that individual indicated that the bus traffic pattern would not change if the buses were coming from the Tank Car Corporation as proposed, as opposed to the existing site on Oreland Mill Road at Pennsylvania Avenue. Mr. Gillanders indicated that Mr. Faust's statement that the buses currently travel over Camp Hill Road is not true. Mr. Gillanders asked the Board of Commissioners not to approve the land development plan request. Mr. Gillanders also expressed concern with traffic and parking associated with the proposed Boorse tract development. His concern is that overflow parking would need to be placed on Fairwold Lane if there was not enough parking at the proposed development. Mr. Gillanders also expressed general interest in the recycling activities of the Township.

Dennis Jacoby, 139 Orlemann Avenue, expressed concern for bus traffic at the Tank Car Corporation in the event the traffic needed to be detoured away from Walnut Avenue in a westerly direction. Mr. Jacoby also described current traffic conditions in his neighborhood. Lastly, Mr. Jacoby expressed concern for environmental hazards related to the Tank Car Corporation property and the need to maintain the cap placed over the hazard areas as well as maintaining the integrity of the ground water monitoring wells.

Gary Pogue, 1716 Walnut Avenue, indicated that he is a long term resident at 1716 Walnut Avenue which is directly across the street from the Tank Car Corporation property. He outlined the activities of Tank Car in the past, and that business activities creating traffic did not adversely affect area streets. He does not believe that the school bus operator was made aware of the environmental issues of the property. He also noted that approximately 50 school buses had been located to the site recently. Furthermore, he had considerable concern for the buses exiting out of the site onto Oreland Mill Road then onto Walnut Avenue. Mr. Pogue concluded by revisiting his concern with the

number of buses moving in and out of the Tank Car Corporation directly in front of his residence.

Mr. Garrity wished to advise all in attendance that the Board of Commissioners was in no rush to consider any requests from Cheltenham Transportation. He did note that the use of a bus depot on this property was permitted. The matter before the Board of Commissioners is the issue of land development plan review. Unfortunately, this will not provide an outright prohibition on the use since the property is zoned Industrial and the use is permitted. The Board of Commissioners has taken a position that a land development plan is required due to the improvements to the property such as trailers, lights, fences and the like.

Mr. Dailey noted that many Abington based school buses have also been relocated to the site. Mr. Garrity indicated that it was his understanding that approximately 90 buses will be delivered to the site but that this does not require permits from the Township. It is also his understanding that the operator wished to negotiate partial use of the property if possible. Mr. Dailey expressed his disappointment that the operator seems to be utilizing a strategy that it is easier to request forgiveness than to request permission related to his activities. He also noted that the Township is evaluating the appropriateness of citations or the utilization of a Court injunction related to the activities. He recommended that no bus service take place on the site until a land development approval has been secured. Mr. Garrity noted that the Township plans to meet with the operator and counsel in the near future and believes they are interested in utilizing 3 or 4 mini buses to service Cheltenham summer school activities. Ms. Peirce inquired whether the delivery only of a fuel tank met the threshold for a land development. Mr. Garrity respectfully did not answer the question.

Mr. Gillies indicated that up until earlier this week, he was inclined to work with the operator, however, since the operator has taken it upon himself to spread stone on the site without permission, he is not so inclined to work with the operator at this time.

Motion (Dailey-Schaum) carried unanimously that no bus related activities shall take place at the Tank Car Corporation property during the land development review process. Ms. Peirce asked if, notwithstanding the land development process, there are any legal rights for the operation. Mr. Garrity indicated that the operator may have rights given the fact that the use is permitted, had he not triggered the land development requirement.

Mr. Standish opined that it may be necessary to move forward with the challenge in court.

Mr. Bell asked if the operator maintains some rights to utilize the site for a bus service. Mr. Garrity repeated that the use itself is permitted.

Joan Schick, 18 Brookside Road, thanked the Board of Commissioners for making the Township stormwater management study available to the public. She noted

that on page 47 of the report, projects were outlined to benefit the Brookside Road properties. She inquired when the Montgomery Avenue/Terminal Avenue project might move forward. Mr. Gillies indicated that all the projects have been prioritized and the Board of Commissioners will work to complete the work within financial constraints of the Township.

Genie McClintock, Brookside Road, expressed her understanding that the Montgomery Avenue/Terminal Avenue project appears to now be a #1 priority. She understood that work adjacent to Carlisle Road will also help the Brookside Road neighborhood. Furthermore, she outlined her understanding that the Board of Commissioners took steps to make funds available from the Township's sewer reserve fund for stormwater projects.

Rita Ford, Glenn Circle, asked for a time frame for the projects to assist Brookside Road. No specific time frame was provided.

Ms. Peirce opined that the Board of Commissioners may wish to consider borrowing funds for stormwater management improvements as a part of the 2014 budget discussions.

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

Motion (Gillies-Schaum) carried unanimously to approve the June check reconciliation in the amount of \$719,449.41 and the July bill listing in the amount of \$601,295.68.

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

Motion (Schaum-Dailey) carried unanimously to award a contract to Buckley and Company Inc. of Philadelphia, PA, in the amount of \$1,267,220 to demolish the existing East Mill Road bridge and reconstruct the East Mill Road bridge as specified. On June 25, 2013, the Township opened five bids for the reconstruction project. The bids ranged from a low of \$1,267,220 to a high of \$1,515,555.50.

Motion (Schaum-Peirce) carried unanimously to award a contract to Asphalt Paving Solutions of Hammonton, NJ, for a total bid price of \$30,653 to apply a crack sealant and a type A ralumac surface treatment to Sandy Hill Road, Walnut Avenue and Birch Lane as specified. The bid is a part of the Montgomery County Consortium bid proposal that was managed by Whippain Township.

Motion (Schaum-Standish) carried unanimously to waive the provisions of Section 3301.1(12) of the Springfield Township Fire Prevention Code in order

that the North Hills Country Club may conduct a fireworks display on Sunday evening, September 1, 2013 at the North Hills Country Club. The waiver is conditioned upon the Country Club and their fireworks professional adding Springfield Township as an additional insured on their certificates of insurance for the event, and that both organizations 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.

Motion (Schaum-Bell) carried unanimously to adopt Resolution No. 1303, a resolution authorizing the execution of agreements of sale to acquire specified properties in the 400 and 500 blocks of Hemlock Road through the use of funds from the Pennsylvania Emergency Management Agency Hazard Mitigation Grant Program. The properties involved are 402, 406, 408, 412, 504, 508, and 510 Hemlock Road.

Motion (Schaum-Dailey) vote 4 in favor, 3 opposed (Bell, Harbison, Peirce) to utilize \$13,000 of the Township capital reserve fund to install coir logs for a distance of approximately 45 feet within the Enfield Run adjacent to 616 Haws Lane. In conjunction with this work, the adjacent property owner has agreed to install the requisite plant materials to the satisfaction of the Township Engineer. Mr. Harbison indicated that he believed the owners of 616 Haws Lane are fine people, but he believes utilizing Township funds for a single property does not provide a good precedence. Ms. Peirce noted that she believed a policy should be considered for such work, perhaps utilizing the United States Department of Agriculture criteria. Mr. Bell thought that the residents should participate financially in the project.

Mr. Standish, Chairman of Human Resources Committee, reported:

Motion (Standish-Schaum) carried unanimously to engage Ply-Mar Construction Company, of Plymouth Meeting, PA, to haul rip rap materials to the Oreland Wyndmoor Little League and place the rock along the creek bank within the Oreland Run for the cost of \$5,800. This cost, plus the cost of related tree work and other materials totaling \$9,100 will be allocated from the Township sanitary sewer reserve fund as this work is intended to protect the integrity of the sanitary sewer main located adjacent to the creek. Mr. Dailey asked if the motion could be amended to include creek stabilization adjacent to a baseball dug-out at the minor league baseball field. The contract to Ply-Mar Construction Company would not exceed \$7,000 as opposed to the previously stated \$5,800. Messrs. Standish and Schaum agreed to the amendment to their motion.

Ms. Peirce, Chairman 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 July 22, 2013 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:

Mr. Bell announced that during the month of June, Springfield Township residents recycled 220.2 tons of materials with a householder participation rate of 83.6%. The net cost for the month was \$6,721.86.

Motion (bell-Dailey) vote 6-1, Ms. Peirce opposed, to approve the final subdivision plan of the Boorse property located at 10 Camp Hill Road, Fort Washington, for an age targeted residential development. The subdivision plans are dated December 22, 2005, last revised April 19, 2013. The plans also include a stormwater management and site drainage report dated December 2005, last revised June 2007. In conjunction with approving the final subdivision plan, the Board of Commissioners confirmed that the waivers granted in conjunction with the preliminary plan approval are once again approved as a part of the final subdivision plan approval. Those waivers are:

1. Chapter 114-3.B.3 E (4) (a) that there is an effective visual barrier that will permit the setbacks from the roadway to be reduced to 50 feet.
2. Chapter 114-3.B.3.E.(4)(b) that the setback from all boundaries can be reduced to 50 feet.
3. Chapter 114-3.B.3.E.(4)(b) that through a combination of the installation of BMPs adjacent to the wetlands and the elevation of the basement floor and first floor elevations of units 33, 34 and 35, the setbacks to the wetlands, floodplains, watercourses or water bodies shall be 37.5 feet.
4. The applicant is proposing to retain the streets as private with cartway widths of 26 feet and no additional public rights of way shall be required. Chapter 95-10.A requires 30 foot roadways and 50 foot rights of way.
5. The Board of Commissioners is deferring the requirement for the installation of sidewalks on Camp Hill Road as required by Chapter 95-11.I.(1)(e).

6. Section 95-11.I(1)(e) that the existing plantings, topography, increased setbacks or manmade structures provide adequate buffers along both the eastern and western boundary lines.
7. Section C of the Township Subdivision Plan Checklist requires existing features within 200 feet of the site be shown on the plans. The Board will accept an aerial photo of the area in lieu of this requirement.
8. The approval is conditioned upon: (1) the applicant resolving all outstanding issues as set forth in a letter dated June 28, 2013 from the office of the Township Engineer to the Springfield Township Code Enforcement Officer, (2) the final grading plans prepared on behalf of Rouse Chamberlin Builders be approved by the Township Engineer and incorporated into the complete plan set of the final plan for the Boorse property prior to the recording of the final subdivision plans, (3) the applicant shall enter into a developers agreement with Springfield Township and post the requisite financial security, (4) the applicant shall enter into an Operations and Maintenance Agreement with Springfield Township for the privately owned stormwater BMPs.

Mr. Harbison noted that in the past, he felt that the density for this development was too high, and that more work could be done to improve stormwater management. However, he did speak to counsel and there is no good faith reason to vote against the proposal, however, his opinions remain the same as he expressed in the past.

There being no further business, the meeting was adjourned at 9:55 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
8/5/13