

MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, January 14, 2015 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 with the exception of Mr. Schaum. Mr. Dailey presided.

Mr. Dailey 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. Dailey led the Pledge of Allegiance.

Motion (Gillies-Wilson) carried, 6-0, 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. Dailey announced that prior to the January 12, 2015 meeting of the Board of Commissioners, the Board conducted an executive session meeting pertaining to a personnel matter, specifically, the interviewing of candidates for police officer.

Special Report

Mr. Dailey noted that several residents of Brookside Road attended the December 2014 workshop meeting and raised a few questions related to the neighborhood. The first question raised was whether the sanitary sewer manholes in the Brookside Road neighborhood were sealed to prevent stormwater from entering the system. Mr. Dailey reported that all the sanitary sewer manholes along Brookside Road and throughout the Mt. Saint Joseph property were inspected and found to be watertight. Related, several years ago, the Township took on a project to install the watertight seals in all low lying manhole covers to help protect the entire system from stormwater inflow problems. The second question related to whether FEMA or PEMA may have grant opportunities to purchase Brookside Road properties to remove the structures and families from the hazards of flooding. The Board was informed that only 30 Brookside Road qualified for 100% funding through the Non-Disaster Flood Mitigation Assistance Program sponsored by FEMA and PEMA. There are other PEMA programs that might be available to Brookside Road homeowners, however, those programs are 75% federal funding and 25% homeowner cost match. Since there are a variety of nuances of the grant programs, Commissioner Samtmann has volunteered to meet with the residents to help outline the grant programs.

Mr. Dailey called on Tom Daley (no relation) and Chris Greene, of Daley and Jalboot Architects, the principal design firm for the Springfield Township Municipal Campus Renovation Project. Daley and Jalboot were asked to provide the Board of Commissioners and the Springfield Township community with a presentation on the status of their design of

the municipal campus renovations. Residents interested in the details of the renovation project were encouraged to attend the next municipal campus advisory committee meeting which is scheduled for January 21, 2015 at 7:00 PM in the Township Building.

Mr. Daley stated that his firm is working with the Township staff and advisory committee to work through the pre-design phase of the project which began with a space program and concluded with conceptual campus designs. The renovations will take place on the current municipal campus located on Paper Mill Road and Hawthorn Lane. The buildings include a new 22,000 sq. ft. Public Works building, a new 22,000 sq. ft. public library, and a new 19,000 sq. ft. police and administration building. As noted, the work to date included the pre-design and schematic designs. The next steps will be design development and creation of construction documents, bidding materials, and construction management. The overall project objectives include: (1) state-of-the-art flexible buildings, (2) civic identification, (3) useful outdoor space, (4) provide leadership and stormwater management, (5) improve the municipal infrastructure, (6) sensitivity to the immediate neighbors, (7) sustainable design and construction, (8) integration of the site and buildings, and (9) the project at the lowest practical cost. Utilizing the schematic drawings, Mr. Daley described the current site plan with buildings, and compared same with the proposed site plan and buildings. In addition to the buildings, 179 parking spaces will be provided on the entire campus. The vehicular circulation will not contain any dead-ends, and the stormwater management will include underground facilities, rain gardens and bio swales. The schematic interior space designs for the public works, library and police/administration building were presented. Becker and Frondorf, construction estimators, estimated the cost of all three buildings, including a construction contingency, valued at \$23.2 million. With furniture, fixtures, and equipment, the project is valued at \$25.2 million. With the architectural engineering fees, construction management fees, legal fees and related costs, the total project is estimated at \$27.2 million. Mr. Gillies asked if the architects had evaluated the value based portions of the construction project. Mr. Daley indicated that the value based features, such as the green roof, interior and exterior finishes, HVAC systems, and the like, will be vetted at a special meeting of the Municipal Campus Advisory committee and re-presented to the Board of Commissioners. Mr. Wilson inquired whether the stormwater runoff would be less after construction than before. Mr. Greene indicated that the post development stormwater rate of runoff will indeed be less than prior to redevelopment. Mr. Standish inquired how the plan would accommodate current municipal uses during construction. Mr. Daley indicated that that is all part of the phasing analysis that will be developed with his firm and the construction manager. They will need to develop a cost for the phasing and possible relocation of some of the municipal uses. Mr. Gillies suggested that the Board of Commissioners consider adding the police/administration building as a design bid alternative in order that the Board could receive true costs for the construction of this building to consider whether to move forward with that portion of the renovation project.

William Spalding, 8624 Cheltenham Avenue, addressed the Board of Commissioners on the Caroline Drive sanitary sewer project. Mr. Spalding made the following comments: (1) he noted that the project originated as a neighborhood need and not a Township project, (2) he believes that the construction of a sewer in a residential development is paid for by the developer, (3) suggested in other existing neighborhoods new sewers were paid for by those

who needed the sewers, and not all residents, (4) suggested that the costs be on a proportionate share of the sewer rather than equal shares as was done with this project, (5) asked the Board to consider Dr. Billinski's position in opposition to participating in the project, (6) referenced a Pennsylvania statute of fraud requiring real estate deals and other deals valued at \$500 or more that must be in written form, (7) believes the distance requirement for connection within 200 feet of the sewer is not met, (8) believes it is unfair for a patriot to pay for the sewer project, (9) believes the Board of Commissioners made a mistake in conceiving the project and asked that Dr. Billinski be left out of the project, and (10) believed the Nyiri family, who originally requested the sewers, should pay for the sewer project.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board would next meet on Monday evening, January 26, 2015 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board Agenda.

Mr. Dailey summarized a Zoning Code validity challenge related to the placement of a billboard in Springfield Township. Mr. Dailey summarized the curative amendment presented by a billboard company that would place two billboards along Bethlehem Pike. He noted that after a great deal of negotiations the Township and billboard company agreed to settle the curative amendment through the placement of one billboard on southbound route 309 expressway south of Paper Mill Road. In conjunction with considering the rezoning of a tract of land to accommodate the billboard, the Board of Commissioners conducted a public hearing on December 10, 2014 to receive public comment. Notices of the Public Hearing were advertised, posted and mailed to interested parties.

Motion (Dailey-Gillies) vote 6-0, motion carried, to enact Ordinance No. 932, an ordinance to amend the Zoning Code Map by rezoning a tract of land bounded and described in accordance with a rezoning plan prepared by Hibbeln Engineering Company LLC, Blue Bell, PA, dated August 4, 2014, last revised October 9, 2014, also known as a portion of Montgomery County tax map parcels 52-00-18511-004, 52-00-18514-001, and 52-00-13408-004. The rezoning is from "AA Residential" to "Industrial" zoning.

Mr. Harbison, Chairman of Cultural Resources Committee, reported:

Mr. Harbison announced that during the month of December 2014, Springfield Township residents recycled 337.1 tons of materials with a householder participation rate of 84%. The net income and savings for the month was \$1,605.62. For the year ending 2014, Township residents exceeded the tons of materials projected to be recycled by 6%, and the participation rate was exceeded by approximately 7.5%. The year end value of the costs avoided by recycling the materials combined with the actual sales of the materials exceeded the budget projection by approximately \$15,000.

Mr. Harbison noted that the Caroline Drive sanitary sewer project was recently completed and as a part of the reimbursement to the Township, the Wells family and Dr. Billinski were provided agreements to pay off the costs of their share of the project over a five year period.

Motion (Gillies-Dailey) that Dr. Billinski be removed from the agreement to reimburse the Township for one share of the sanitary sewer project and that that share be paid by the Township, and the integrity of the agreements with the other neighbors be maintained.

Dr. Billinski, 8608 Cheltenham Avenue, addressed the Board of Commissioners and made the following comments: (1) his existing on-lot sanitary system works, (2) his property is not located on Caroline Drive, (3) he previously sent emails expressing his interest to not participate in the project, (4) there are seven houses included in the project, two have been excused from participating and he would like to be treated the same as those two, (5) he believes there is an error on the plan and his property is approximately 220 feet away from the new sewer main, (6) he believes the manhole most adjacent to his dwelling is up grade from his dwelling, (7) suggested that public sewer is available on Cheltenham Avenue, (8) he would incur great expense to run the lateral to the new sewer main, (9) suggested it would be difficult to redirect the current sewer lines leaving his dwelling to connect into the new sewer main.

Mr. Standish asked whether there was a procedure to modify the motion to consider a variation of same. Mr. Harbison indicated that eventually a motion would be made to modify the term for the repayment of Dr. Billinski's assessment for the sanitary sewer system from five years to ten years. Mr. Standish suggested his interest in modifying the term from five years to twenty years, however, if the on-lot system were to fail, the Dr. Billinski would be required to immediately connect to the public sewer system.

Mr. Garrity made the following comments with regard to comments or questions raised on the topic of requiring connection to a public sanitary sewer system: (1) the actual connection to the public sewer system is not necessarily the expensive portion of the project, but indeed the assessment for the construction of the sewer main is typically expensive, (2) confirmed that with the current project, the assessment value was created by taking the total cost of the project and dividing that equally by the number of households, (3) sanitary sewer issues are always difficult in communities, and there tends to be 70% of the households that are interested in participating and 30% that are not, (4) in his experience he has not seen other communities excuse households from participating in the sanitary sewer projects, (5) noted that the Township previously passed an ordinance recognizing the need for the public sanitary sewer extension in this neighborhood, (6) clarified that the location of the connection point for Dr. Billinski would be via gravity and that his connection to the Cheltenham Avenue system would be a pump system, (7) the need for a public sanitary sewer extension usually originates

from resident complaints of a problem, and therefore, this situation is not unusual, (8) to the extent a developer is required to install a sanitary sewer system, the related costs are always passed on to the homeowners and not absorbed by the developer.

Mr. Gillies noted that Dr. Billinski is located at the end of the run of the sewer extension. There is no sewer on the Billinski property to accommodate Dr. Billinski. He inquired why this homeowner would need to participate if other options are available, and suggested his belief that the Township made an error in this matter and that the Township should absorb the cost of the assessment to Dr. Billinski.

Mr. Dailey stated his appreciation and respect for the service Dr. Billinski is providing to our country. He noted that this matter has been discussed for over two years and the Township has gone through design reviews and construction costs for the project. He noted that the project bid was awarded close to eight months ago. He also did not believe it would be equitable to the other Township residents if the Township absorbed the cost of the assessment.

Mr. Gillies remarked that the Township pays for other projects, such as stormwater management and can pay for this project as well.

Dr. Billinski presented a site plan of the project and briefly reviewed his earlier comments made in this matter.

Vote on the motion to excuse Dr. Billinski from participating in the assessment for the sanitary sewer extension project: vote 1-5, Mr. Gillies in favor; Ms. Samtmann and Messrs. Dailey, Harbison, Standish and Wilson opposed. The motion did not carry.

Motion (Standish-Harbison) to extend the term for the payment of the sanitary sewer extension assessment from five years to twenty years.

Motion (Gillies) to table the discussion and further votes on the matter. Mr. Gillies' motion did not receive a second, and could not be considered.

Vote on the motion to extend the term of the repayment of the sanitary sewer assessment for Dr. Billinski from five years to twenty years: 1 vote in favor - Standish; opposed Ms. Samtmann and Messrs. Dailey, Gillies, Harbison, and Wilson. The motion did not carry.

Motion (Harbison-Samtmann) to extend the term of repayment from five years to ten years at a rate of 2% per annum. The project assessment remains the same as originally set at \$31,291. Dr. Billinski would be provided a ten year term to connect to the sanitary sewer system but must be connected by the end of the ten year term. Immediate connection to the public sanitary sewer main will be required if one of the

following three conditions occurs: (1) the on-lot system on the property fails, (2) the property owner sells the property, or (3) the property owner refinances the property in a mortgage amount of \$10,000 or more. Vote: 5-1; Mr. Gillies opposed. The motion carried.

Mr. Harbison explained that the next order of business was being considered in light of Pennsylvania Act 192 of 2014, which amended the Pennsylvania Uniform Firearms Act. Among other things, the Act creates opportunities for new civil actions by any person adversely affected by a municipal firearms ordinance. This provides an opportunity for individuals or organizations to bring suit against the Township and the Township would also be responsible for the opposing party's attorneys fees.

Motion (Harbison-Gillies) vote 5-1, Mr. Wilson opposed, to enact Ordinance No. 930, an ordinance repealing Chapter 48, Hunting and Firearms, in its entirety.

Mr. Gillies noted that the Township is considering the enactment of the ordinance as a direct result of the change in State law. Mr. Wilson suggested that the ordinance is a bad ordinance even given the changes in State law. Mr. Dailey noted that Philadelphia and other large cities are counter suing to be able to maintain their local gun laws. Mr. Garrity clarified the point that while the Township is indeed giving up local jurisdiction, however, State law suggests that the State gun laws preempt any local gun laws that exist. He also believes there is a true potential for financial exposure to the Township if the Township maintains its current local gun law ordinance. Mr. Standish indicated his understanding that there were already class action suits bringing action against municipalities. Mr. Harbison indicated that his vote to repeal the local firearms ordinance is not an indication that he is necessarily in favor of repealing the local ordinance, but is doing so out of a fiduciary responsibility to the Township.

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

Motion (Gillies-Wilson) 6-0 vote, motion carried, to approve the December check reconciliation in the amount of \$2,279,532.85, and the January bill listing in the amount of \$501,288.89.

Motion (Gillies-Wilson) 6-0 vote, motion carried, to reappoint Rachele Foley, of Terminal Avenue, Erdenheim, to serve as the Vacancy Board Chair for the year 2015. Mr. Gillies provided a summary of the activities of the Township Vacancy Board.

Motion (Gillies-Standish) 6-0 vote, motion carried, to authorize Public Financial Management Inc. to prepare loan documents and an ordinance for a \$8.3 million bank loan for official Board consideration in February. The loan is a 2.52% fixed loan for a term of 15 years. Mr. Wilson clarified that the favorable quotation was provided by TD Bank. Mr. Gillies provided background information on the desire for the bank loan as it is principally earmarked for the municipal campus renovation project.

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

Motion (Standish-Santmann) vote 6-0, motion carried, to approve the preliminary land development plan for 9425 Stenton Avenue dated July 21, 2014, last revised December 1, 2014. The owner/applicant is Blake Development Corporation. The subject of the land development is the construction of 13 townhouse units. Approval of the preliminary land development plan was subject to the owner/applicant resolving all issues as outlined in a letter dated January 8, 2015 from the office of the Township Engineer to the Township Code Enforcement Officer, and the resolution of the on-street and off-street parking to be provided adjacent to or on the driveway throughout the development to the satisfaction of the Board of Commissioners.

Motion (Standish-Dailey) vote 6-0, motion carried, to enact Ordinance No. 931 establishing the requirement to secure electrical permits for new construction, renovations and repairs.

Motion (Standish-Gillies) vote 6-0, motion carried, that in conjunction with Section 13-6 of the Uniform Construction Code of Springfield Township, the Board of Commissioners adopt Resolution No. 1346 establishing a permit fee schedule for electrical permits.

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

Mr. Wilson reported for the Public Works and Public Safety Committees:

Motion (Wilson-Gillies) vote 6-0, motion carried, to adopt Resolution No. 1347, a resolution authorizing the Township to execute a one year Winter Traffic Services Agreement with the Commonwealth of Pennsylvania for the Township to perform ice and snow removal services on State highways and the Commonwealth shall reimburse the Township for the services at a rate of \$1100 per lane mile. The agreement is for the winter season of 2014-2105. The execution of the Agreement is subject to exhibit "A" of the Agreement being placed in a form satisfactory to the office of the Township Manager. Exhibit "A" outlines the specific streets and the lane miles to be maintained by the Township.

Motion (Wilson-Harbison) vote 6-0, motion carried, to extend a conditional offer of employment as a probationary police officer with the Springfield Township Police Department to Mark Koenig, of Edgehill Road, Abington. The conditions of the appointment include successfully passing a medical and psychological examination, successfully completing the PA Act 120 training, and securing the PA Act 120 certification.

Mr. Dailey remarked that Mr. Schaum participated in the interview on Monday evening, and would support the appointment of Mr. Koenig.

Ms. Samtmann, Chairwoman of Human Resources Committee, reported:

Ms. Samtmann noted that in a letter dated January 5, 2015, Gretchen Slapinsky indicated that she was recently elected to serve as the President of the School Board of Directors of Springfield Township and as a result she would need to resign her position as a member of the Township Parks and Recreation Advisory Committee. On behalf of the Board of Commissioners, Ms. Samtmann thanked Ms. Slapinsky for her service to the Springfield Township Parks and Recreation Advisory Committee and wished her well as she serves the community as the President of the School Board of Directors.

Motion (Samtmann-Gillies) vote 6-0, motion carried, to appoint Walter Lapidus to serve as a member of the Springfield Township Parks and Recreation Advisory Committee. The current unexpired term of service on the Committee shall expire May 12, 2017. Ms. Samtmann explained that the Township School District is provided an opportunity to make a recommendation on the appointment of two members of the Township Parks and Recreation Advisory Committee, and Mr. Lapidus, a School Board member, was the recommendation from the School District.

There being no further business, the meeting was adjourned at 10:05 PM.

Respectfully submitted

Donald E. Berger, Jr.
Township Manager