

MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, November 11, 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. 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 (Schaum-Gillies) carried unanimously dispensing with the reading of the minutes of the previous meeting as written and recorded in the official minute book of the Township.

Special Reports

Mr. Dailey announced that on October 30, 2015, the Township filed a Declaration of Taking for the Tank Car Corporation property, 1725 Walnut Avenue. He indicated that upon the recording of the Declaration of Taking, the title is transferred to the Township. Mr. Dailey indicated that there is a 30 day period for preliminary objections that may be filed related to the taking. He also suggested that the Township may have to reply to a Board of Review related to the value of the property. The Township has not yet paid the estimated just compensation for the property.

Mr. Dailey stated that last month the Board announced that it was able to have both sides of the billboard sign on southbound route 309 turned off at 7:30 PM until the landscape buffer requirements for the billboard are met. Due to the nature of the landscape buffer required for two of the neighborhoods adjacent to the billboard, the Commissioners are hosting meetings with those neighbors to explore the proposals for the landscape buffer. Both neighborhood meetings are scheduled for Thursday, November 19, 2015.

Mr. Dailey reported that on Wednesday, November 11, 2015, the Springfield Township police responded to a report of a shooting in the 100 block of Garth Road, Oreland. The victim is a 26 year old male who does not live at that residence. The victim was transported to Abington Memorial Hospital by the Springfield Ambulance Association. While the investigation is continuing, the police report that this matter is not a home invasion as the males who entered the home did so by knocking on the front door and were let in.

Christen Pionzio, Esq., representing a developer, Skip DeMarco, addressed the Board related to the development proposed at 7602 Pine Road. The development is known as Wyndmoor Court LLC. Ms. Pionzio indicated that the developer has been meeting with 11 of

the area neighbors who have engaged legal counsel in a matter before the Zoning Hearing Board and for which the Board of Commissioners took a position in opposition. The development is the construction of four single family dwellings at the dead-end of Pine Road. The issue before the Zoning Hearing Board is not a matter of whether four lots will fit, but whether four large dwellings could be placed at this location as opposed to two large dwellings and two smaller dwellings. The developer and the neighbors have now agreed that the smaller houses would not be in keeping with the neighborhood. The developer has worked through deed restrictions with the neighbors that he is willing to put in place related to certain development limitations and architectural styles. As a result of the position of the area neighbors, Ms. Pionzio asked that the Board of Commissioners rescind their opposition and simply permit the developer to appear before the Zoning Hearing Board without their opposition. Mr. Dailey inquired as to the approximate costs for the smaller homes. He was informed approximately \$600,000. He inquired whether she had identified a hardship to go before the Zoning Hearing Board. Ms. Pionzio indicated that would be discussed at the Zoning Hearing Board hearing. Ms. Pionzio stated that whether or not the Township appears before the Zoning Hearing Board, the Township is still legally a party to any appeal to the Zoning Hearing Board decision. Mr. Standish noted that he is usually opposed to builders shoehorning buildings onto properties, but understands that the neighborhood is no longer urging the Township to maintain a position in opposition to the proposal. Mr. Gillies asked whether the zoning setbacks would be encroached upon. He was informed that they are not and that the areas he had identified are hardscape improvements such as patios.

Genie McClintock, Brookside Road, asked if the Township has received any word from the County on the Community Development Block Grant Program which included stormwater improvements for Brookside Road. She was informed that the Township had not received any additional information. Ms. McClintock asked if Brookside Road still remained a number one priority for stormwater management in the Township. She was informed that it is still the number one priority. Mr. Dailey reviewed that 14 homes on Brookside Road were eligible to participate in a FEMA program whereby the homes would be purchased and the residents could move away from the floodplain. He noted that only one household is participating in the program. He noted that the Federal government was paying 75% of the appraised value and the Township agreed to pay the remaining 25%. Mr. Dailey also noted that the Board of Commissioners are discussing the dredging of the Hillcrest Pond at a value of approximately \$100,000. The Friends of Hillcrest Pond have also pledged an additional \$50,000. He would like to work with Rep. McCarter and Sen. Haywood to secure financial assistance from the Commonwealth on this project as well.

Margaret Rux, 7602 East Lane, indicated she had not been provided an opportunity to review the plans for Wyndmoor Court at 7602 Pine Road. A copy of the plan was presented to Ms. Rux.

Joseph Carl, 306 Orelan Mill Road, inquired whether the Tank Car Corporation property could, at some point, be found to be uncondemned. Mr. Carl was informed that could be the case if the Court found issues with the condemnation process, if the Township withdrew the condemnation, or if preliminary objections were filed and the Courts found in favor of the objector. Mr. Garrity explained that the preliminary objections have a very narrow scope and

relates to whether the Township has the statutory authority to condemn. He noted that the condemnation documents that his office filed followed the State statute verbatim.

Charles Wurtz, 520 Jarden Lane, indicated he has not seen the Wyndmoor Court LLC plans and is not prepared to support the proposal as presented. Mr. Dailey took the opportunity to explain the relationship between the Board of Commissioners and the Zoning Hearing Board as it relates to the duties of the Zoning Hearing Board.

Joan Parsons, 37 Hawkswell Circle, addressed the Board and presented photographs on her cell phone of lights at the Cheltenham Transportation site, 50 Oreland Mill Road, that she believes are a nuisance to the neighbors. Ms. Parsons also asked if the Board of Commissioners had reviewed the current noise ordinance as it relates to activities at the subject property. Mr. Dailey agreed to place the noise ordinance on the next agenda of the Board of Commissioners.

Margaret Mary Burke, Orlemann Avenue, suggested that Cheltenham Transportation has not been cooperative or maintained compliance with the Township when the Board considers their land development application. She believed that most people in attendance at the meeting were there with concerns for the Cheltenham Transportation application.

Mr. Dailey, Chairman of Zoning Committee reported:

Mr. Dailey announced that the Zoning Hearing Board would next meet on November 23, 2015 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda.

Mr. Dailey indicated that there was currently a vacancy in the position of alternate member on the Zoning Hearing Board as a result of James Curtis resigning his position due to his relocation from Springfield Township. A second vacancy is anticipated as a result of the Zoning Hearing Board Chairman Daniel Clifford being elected to a Judgeship in the Pennsylvania Court of Common Pleas and assuming his position with the Court in January 2016.

Motion (Dailey-Gillies) carried unanimously to appoint Jennifer Guckin, 8809 Carlisle Road, to fill the position as the alternate member on the Zoning Hearing Board. The current unexpired term of service shall expire December 31, 2015.

Motion (Dailey-Wilson) carried unanimously to appoint Richard Simmons, 1902 Surrey Road, to fill the unexpired term of service as a full member on the Zoning Hearing Board effective January 1, 2016. The unexpired term of service shall expire December 31, 2017.

Mr. Harbison remarked on the high quality of candidates the Board interviewed for the Zoning Hearing Board. He noted that the given the unexpired term of service for Ms. Guckin expiring December 31, 2015, the Board would need to address the issue again at a future meeting.

Mr. Dailey announced that on Monday evening, November 30, 2015 at 7:00 PM the Board of Commissioners will hold a public hearing on amendments to the Zoning Code Map and Zoning Code Text related to a proposal by the owners/developers of the Tecce Tract, 9303 Ridge Pike, Philadelphia. The proposals included the following: (1) the possible rezoning of approximately 7.11 acres of land closest to Ridge Pike from "A" and "AA" Residential with both a "AAA" Residential District Overlay and a "AAA-AQ1" Age Qualified-1 Residential Overlay District to the "Institutional" Zoning District, (2) Zoning Code text amendments to create a definition of a personal care home or assisted living residence, modify some of the dimensional requirements in the Institutional zoning district, and address traffic access to an Institutional property, and (3) zoning code text amendment to reduce the housing unit density and to increase the minimum open space requirements in the AAA-AQ-1 Age Qualified Residential Overlay District.

Motion (Dailey-Schaum) that the Board of Commissioners rescind their order to the office of the Township Solicitor to attend all hearings of the Zoning Hearing Board in opposition to the Zoning Hearing Board application of Wyndmoor Court LLC as it pertains to 7602 Pine Road, Wyndmoor. Mr. Gillies offered a condition that if the Declaration of Restricted Covenant as discussed this evening by Ms. Pionzio is executed by ten of the neighboring households represented by Joseph Kuhls, Esq., then the solicitor's office would attend the Zoning Hearing Board meeting to create a record. If the Declaration of Restricted Covenant is not executed by the households represented by Mr. Kuhls, then the Township Solicitor's office shall appear before the Zoning Hearing Board in opposition to the application of Wyndmoor Court LLC.

Mr. Harbison explained for those in the audience that the Board of Commissioners has four options with regard to the Township Solicitor's office appearing before the Zoning Hearing Board: (1) to not appear before the Zoning Hearing Board and allow the Zoning Hearing Board to proceed, (2) to appear before the Zoning Hearing Board in opposition to the application, (3) to appear before the Zoning Hearing Board in support of the application, or (4) to appear before the Zoning Hearing Board to create a legal record. Previously, the neighbors desired the support of the Board of Commissioners in opposition, which at this time, may not be necessary.

Motion (Dailey-Standish) accepting the condition as set forth in earlier testimony by Mr. Gillies. Vote 7-0. The motion carried.

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

Motion (Schaum-Gillies) carried unanimously to authorize the advertisement of an ordinance to participate in a no interest loan from Montgomery County to purchase emergency services radios for the Township and the four emergency services agencies of Springfield Township.

Mr. Schaum explained that Montgomery County is updating their entire emergency communications system next year. The County will upgrade the entire infrastructure at their cost, however, the municipalities and emergency service organizations throughout the County

are responsible to purchase the updated radio units. Montgomery County has executed a contract with Motorola for a substantial discount for each radio unit and is also offering zero percent financing to the municipalities. The emergency service organizations may take advantage of the no interest loan by ordering their radios through their respective municipalities. The subject ordinance, which will be considered for enactment as a part of the December business meeting, is required by Montgomery County in order to participate in the 0% loan. Mr. Wilson inquired as to the local costs to purchase the individual radios. Mr. Berger indicated that the total cost for both the Township and the emergency service organizations is \$414,085.

Motion (Schaum-Gillies) carried unanimously to authorize the advertisement of an ordinance authorizing the execution by Springfield Township of an Asset Purchase Agreement between the Township and a prospective purchaser of the Springfield Township sanitary sewer system.

Mr. Schaum noted that the Township is in the process of soliciting bids from interested qualified companies to purchase or lease the Springfield Township sanitary sewer system. Sealed proposals are due to the Township on November 23, 2015. Based on the proposals received, the Board of Commissioners will consider leasing or selling the sanitary sewer system at the December 9, 2015 meeting of the Board of Commissioners. If the Board decides to proceed with the lease or sale, the subject ordinance will be required to be enacted authorizing the appropriate Township officials to execute the Asset Purchase Agreement. Mr. Wilson asked if the Township could modify the Asset Purchase Agreement. Mr. Berger indicated that the Township has been working with the bidders and negotiated the current agreement and does not believe any further significant changes could be made. Mr. Wilson indicated that he is concerned with the ability to regulate the future rates. Mr. Berger indicated that those negotiating the agreement were aware of that concern, but two of the bidders are regulated under the Pennsylvania Public Utility Commission and they stated that only the PA PUC can regulate the rates. Mr. Standish asked if the Township must take the high bid. Mr. Berger indicated that the Request for Proposal is written that the Township would take the bid most favorable to the Township.

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

Motion (Gillies-Samtman) carried unanimously to approve the October check reconciliation in the amount of \$1,673,053.02 and the November bill listing in the amount of \$1,197,271.13.

Mr. Gillies reported that the former Seven Dolores Church, 1200 Willow Grove Avenue, Wyndmoor, is now owned by Springfield Township and will be utilized as the temporary library facility during the municipal campus renovation project at the main municipal campus. On a long term basis, the property will be utilized for future recreational facilities for the Township when the temporary library facilities are no longer necessary.

On October 6, 2015 the Township received multiple bids from general contractors, mechanical contractors, electrical contractors, and plumbing contractors. Results of the public bidding process are available through the office of the Township Manager.

Motion (Gillies-Samtman) carried unanimously that the Board of Commissioners award the general construction contract to Delran Builders, Wyndmoor, to include the base bid of \$356,806 and bid alternate #1 for \$73,845, bid alternate #2 valued at \$24,770 and bid alternate #4 valued at \$8,424, for a total of \$463,845; the mechanical construction bid to Myco Mechanical Company Inc., Telford, base bid only, valued at \$13,900; the electrical construction contract to AJM Electrical Inc., Chester Township, base bid only, valued at \$148,482; and the plumbing contract to Chris Wolff Plumbing Inc., Perkasio, base bid only valued at \$38,900. The total value of the project is \$665,127.

Motion (Gillies-Dailey) carried unanimously to engage Daley Jalboot Architects Inc. to provide construction administration services related to the renovations at 1200 Willow Grove Avenue for a price not to exceed \$22,500. Mr. Gillies explained the construction administration services include such things as construction inspections, monitoring contractor schedules, reviewing shop drawings and attending to all documentation.

Mr. Gillies announced that on October 22, 2015 the Township opened bids for four prime contracts as well as a specialty bid for environmental remediation for the municipal campus renovation project located at Paper Mill Road and Hawthorn Lane. Mr. Gillies noted the Township received 8 general contractor bids, 9 mechanical contractor bids, 7 electrical contractor bids, 8 plumbing contractor bids, and 6 environmental abatement contractor bids. In addition to the base bids, 10 alternate bids were also received. Mr. Gillies provided the range of bids from each of the four prime contracts and noted that the results are available in the office of the Township Manager. He noted that the Township's architect and construction managers are reviewing the bids and the Board may consider awarding contracts as a part of the December 9, 2015 meeting.

Mr. Gillies provided the following meeting schedule through the adoption of the 2016 budget:

<u>Purpose</u>	<u>Date</u>	<u>Time</u>
Budget Hearing	12/9/15	8:00 PM
Budget Adoption	12/16/15	8:00 PM

Mr. Gillies read the 2015 Budget Statement. The statement included the fact that the Springfield Township Board of Commissioners proposes a balanced operating budget for 2016 of \$18,895,903 with a real estate tax rate of 3.676 mills, and an earned income tax rate of 1%. To summarize the impact on the typical taxpayer as a result of the 2016 budget projections, the taxpayer will realize no increase to the real estate taxes or refuse service fee, but there will be an increase to the sanitary sewer rental of \$.45 per 1000 gallons treated. The 2016 Township budget is increased by \$1,021,950 or 5.7% from the year 2015. The typical household in Springfield Township with a \$175,400 property assessment will pay \$644.77 in real estate taxes in 2016. Copies of the budget are available in the office of the Township Manager. Public meetings related to the budget will be held on December 9, 2015 at 8:00 PM and again on Wednesday, December 16, 2015 at 8:00 PM.

Motion (Gillies-Harbison) carried unanimously that the Board of Commissioners adopt Resolution No. 1361, a resolution awarding a contract for the sale of the Township owned 8911 Montgomery Avenue, Wyndmoor, to Jonah Fliegelman, for the amount of \$190,000. Mr. Gillies stated that on October 21, 2015, a live real estate property auction was conducted at the Springfield Township Building for the sale. The auction was conducted by Maxx Spann Auctioneers. Ten bidders registered to participate in the auction.

Mr. Dailey took the opportunity to thank the Municipal Campus Advisory Committee for their years of work that led up to the bidding of the municipal campus renovation project.

Mr. Gillies reminded residents that the Friends of the Free Library of Springfield Township is welcoming members to serve as a Friend of the Library.

B. M. Standish, Chairman of Community Development Committee, reported:

Motion (Standish-Gillies) carried unanimously to accept a letter from Michael J. Savona, Esq., counsel for Cheltenham Transportation LLC, dated November 10, 2015, extending the 90 day land development plan review period for the land development of Cheltenham Transportation, 50 Oreland Mill Road, Oreland, through March 1, 2016.

Mr. Standish explained that Mr. Savona's letter provides Cheltenham Transportation an opportunity to resolve outstanding issues with the land development plan. Mr. Harbison suggested that regardless of the extension, the Board could take action on the land development plan sooner. Mr. Gillies revisited his thoughts that the existing parking lot light fixtures should be changed out at this site. Mr. Garrity informed all that municipalities are obligated to cooperate with applicants of subdivisions and land developments and assist the property owner to comply with municipal ordinances. Municipalities are to do so until the applicant cannot or will not comply with the municipal regulations. To the extent a municipality does not cooperate, the Courts can find that the municipality acted in "bad faith". Mr. Schaum inquired whether the Township could set forth what needs to be accomplished with the plans and set a specific date. Mr. Garrity agreed that that process is acceptable and if the issues are not resolved, then it may be appropriate to deny the land development plan application. Mr. Garrity was asked to communicate to the applicant that the Board will reconsider a vote at the December 9, 2015 meeting regardless of the extension provided.

Motion (Standish-Gillies) carried unanimously to accept a letter from Michael J. Savona, Esq., counsel for Cheltenham Transportation LLC, dated November 10, 2015 extending the 90 day land development plan review period for the land development of Cheltenham Transportation, 1725 Walnut Avenue, Oreland, through March 1, 2016.

Mr. Gillies inquired what the downside would be of voting on the land development application for 1725 Walnut Avenue. Mr. Garrity suggested the vote might complicate the condemnation process. Mr. Harbison suggested his understanding that the applicant would withdraw the immediate land development application at the point that no preliminary objections were filed for the land development plan. Mr. Garrity was asked to communicate to counsel for

Cheltenham Transportation that the Board of Commissioners plans to take a vote on the land development application as a part of their December 9, 2015 meeting.

Motion (Standish-Gillies) carried unanimously that in conjunction with Section 512 of the Pennsylvania Municipalities Planning Code, the Board of Commissioners waived the formal land development review process for the renovations to the CVS Pharmacy, 920 Bethlehem Pike, Erdenheim. The subject of the land development includes: (1) the demolition of approximately 5,500 sq. feet of the existing building, (2) expansion of the existing pharmacy throughout the remaining portion of the building, (3) the addition of a drive-thru window on the southern side of the building, (4) improvements to the parking lot layout including the placement of parking in reserve, (5) landscaping improvements and (6) stormwater management improvements. The improvements shall be consistent with a six sheet plan set entitled "Waiver of Land Development Plans for Gregory Bushu" as prepared by Bohler Engineering dated June 2, 2015, last revised September 17, 2015. The approval was also subject to all representations made before the Springfield Township Planning Commission on October 20, 2015 and all representations made to the Board of Commissioners on November 9, 2015.

Mr. Wilson indicated that he reviewed the plans and believes the stormwater management and other improvements will benefit the site. He asked that CVS keep as many trees as possible. Mr. Gillies wished to thank CVS for their anticipated assistance in the relocation of the Farmers Market from this location to another location in Springfield.

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

Mr. Wilson did comment that the work performed to install sidewalks along Haws Lane was a great job.

Ms. Samtmann, Chairwoman of Human Resources Committee, had no report.

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

Mr. Harbison announced that during the month of October 2015, Springfield Township residents recycled 191.9 tons of materials with a householder participation rate of 84.1%. The net cost for the month was \$10,554.39.

Margaret Mary Burke, Orlemann Avenue, thanked the Board of Commissioners for their tireless efforts to maintain the integrity of Oreland.

Joe Carl, 306 Oreland Mill Road, inquired whether there was any relationship between agenda item #1 related to the Tank Car Corporation property and agenda item #15 also related to the Tank Car Corporation property. He was informed that both items involved the same property but the two actions were independent of each other.

Joan Parsons, 37 Hawkswell Circle, readdressed the Board and suggested that the Township needs to manage the number of buses maintained by Cheltenham Transportation as

well as the number of off-street parking spaces being established as a part of the land development plans.

Samuel Couchara, 757 Brooke Road, inquired as to the scope of the traffic study to be conducted by Cheltenham Transportation. Mr. Garrity indicated that the scope of the study will be dictated through the office of the Township Engineer.

Howard Supplee, 105 Orlemann Avenue, asked that the Board of Commissioners keep the buses off the Tank Car Corporation property. He also suggested that the Township consider investing in a better public announcement system for the building.

Mr. Dailey announced that the Board of Commissioners held a brief executive session this evening just prior to the business meeting to discuss a matter of potential litigation.

There being no further business, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
11/25/15

