

The stated monthly meeting of the Board of Commissioners of Lower Moreland Township was conducted on the above date in the Township Building. The meeting was also streamed via Zoom.

President Sirken called the meeting to order at 7:00 p.m. Present were Commissioners Kuritz, Hausen, Canale, Odhner and Pace; Secretary/Manager Hoffman, Solicitor Rice, Engineer Woodrow, Planner Kelly, Police Chief Scirrotto, Public Works Director Woerner, Code Enforcement Officer Schadegg, Fire Marshal Scholly, Assistant Manager Lee, Finance Assistant Simmons, and nine citizens, including members of the Huntingdon Valley Fire Company. Several citizens joined via Zoom. The Pledge of Allegiance was recited.

#### INTERNAL AFFAIRS COMMITTEE

**Minutes** All Commissioners, the Solicitor and Engineer received a copy of the Minutes of March 8, 2022. There were no additional questions or comments and on motion and second by Commissioners Sirken and Hausen, the Board of Commissioners unanimously approved the minutes for the month of March 2022.

**Bill List** All Commissioners, the Solicitor and Engineer received a copy of the April Bill List in the amount of \$1,377,856.55. There were no additional questions or comments and on motion and second by Commissioners Sirken and Hausen, the Board of Commissioners unanimously approved the Bill List for the month of April 2022.

**Environmental Consultant Appointment** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22 and two proposed resolutions.

Commissioner Sirken advised of a recent meeting with the Pennypack Ecological Restoration Trust (PERT) held to discuss the possibility of PERT serving as the Township's environmental consultant. There were no questions from the Board or public, so Commissioner Sirken proceeded to summarize the first resolution which would appoint PERT as the Township's professional environmental consultant. On motion and second by Commissioners Sirken and Pace, the Board of Commissioners unanimously approved the following resolution:

#### Resolution No. 22-21

A resolution appointing the Pennypack Ecological Restoration Trust as the Township's environmental consultant, commencing April 12, 2022

A complete copy of this resolution is attached hereto and made part of the minutes of this meeting.

Commissioner Sirken then introduced the second resolution which would establish the hourly rate to be billed by PERT which would range from \$80 to \$120 per hour. Manager Hoffman explained this resolution would give the Township the ability to recoup expenses related to development projects. There were no further questions and on motion and second by Commissioners Sirken and Odhner resolution No. 22-22 was unanimously approved by the board.

Resolution No. 22-22

A resolution amending Chapter A214 of the Code entitled "Fees" by revising the schedule of fees for professional services under Chapter 180, Subdivision of Land.

A complete copy of this resolution is attached hereto and made part of the minutes of this meeting.

**Administration Report** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22 and a memorandum from the Assistant Manager dated 4-12-22.

Manager Hoffman reported on projects impacting current and future year budgets. He advised the Board that during the recent Lower Moreland Township Authority meeting they introduced the concept of expanding the Authority's charter to allow collection of a stormwater fee. While the fee would be a new revenue concept, it would be generated by reallocating existing sewer fees as to not increase the amounts paid by residents and businesses today. This revenue would allow the Township to address various stormwater projects which will be required by the Township's next MS4 NPDES permit. Manager Hoffman then mentioned he had provided a memo to the Township Planner, Frank Chlebnikow of RETTEW, requesting a proposal for the facilities review project. This project's goal is to plan for future needs in the Township's various buildings and properties.

Assistant Manager Lee reported that construction will begin in the next few weeks on the Lower Welsh Road sidewalk project which received funding from the Montco 2040 grant program. Additionally, she has been preparing for the Earth Day event, and Summer Recreation Program registration has opened. There is no planning commission meeting for April.

**Tax Collector's Report** All Commissioners, the Solicitor and Engineer received a copy of the Tax Collector's Report for the month ending March 31, 2022. There were no questions and Commissioner Sirken requested acceptance of the report as submitted.

**Liaison Report** Commissioner Sirken reported that he continues to attend school board meetings virtually.

COMMUNITY DEVELOPMENT COMMITTEE

**Sketch Plan – Wang/3262 Huntingdon Pike #22-01** All Commissioners, the Solicitor and Engineer received a copy of a letter from the Township Engineer dated 2-21-22, a copy of a letter from the Township Planner dated 3-2-22, a copy of a memorandum from the Fire Marshal dated 3-18-22, a copy of a letter from the Traffic Engineer dated 3-10-22, a copy of a letter from the Authority Engineer dated 2-23-22, and a copy of a letter from the Montgomery County Planning Commission dated 3-21-22.

Commissioner Kuritz introduced this plan for review, noting that the sketch plan phase is for comment only. Attorney Zachary Sivertsen and Engineer Lawrence Byrne represented Mr. and Mrs. Wang who are soliciting feedback before proceeding to engineer a plan to subdivide their property in the MU-RO zoning district at 3262 Huntingdon Pike into five building lots. Mr. Byrne described the plan concept in more detail, noting the proposed driveway access opposite from Carriage Lane. He also mentioned the

applicant is aware that flag lots are not permitted in the MU-RO district and that zoning relief would be necessary. Mr. Byrne provided context for the roadway in the area, highlighting the absence of sidewalk and curbing otherwise required by the Township's subdivision ordinance. Lastly, he advised the proposed lot sizes exceed the zoning district's minimum.

Solicitor Rice asked what the applicant's plan would be if the Zoning Hearing Board did not grant a variance for the flag lots. Mr. Sivertsen stated the alternative would be a cul-de-sac street. He believes the flag lot concept would have a less intense impact than the cul-de-sac. Mr. Sivertsen also mentioned the possible need for a de minimis variance for the proposed density. Mr. Byrne said they showed the cul-de-sac version at the Planning Commission meeting. Commissioner Canale clarified the total lot area on which the applicant wishes to build. Commissioner Pace asked if the lot with the existing home would maintain separate access to Huntingdon Pike via its own driveway and whether each lot had the required lot frontage.

Engineer Woodrow provided his review comments, noting three threshold issues he saw for the Board's review. First, how does the Board view the flag lot request? He mentioned if the Board did not like the flag lot concept, they could send Solicitor Rice to a hypothetical zoning hearing to oppose the application on the Board's behalf. Second, he detailed the environmental resource protection requirements in the Township's ordinances. He stated the proposed percentages of disturbance compared to what is permitted by the ordinance would be informative to the plan review. Third, he highlighted the road frontage improvement requirements. While a waiver may be appropriate, he advised a fee in lieu of improvements could be appropriate. Engineer Woodrow said the plans need to anticipate the possible clearing and grading for the proposed improvements to best understand the impacts of the proposed subdivision. Commissioner Pace asked whether lot two was impacted by floodplain or wetlands. Engineer Woodrow clarified there is a watercourse located north of the property and noted the Pennypack Trust's concern to maintain a riparian buffer.

Commissioner Kuritz stated her concern for the plan's possible impacts to important environmental features. Commissioner Hausen reiterated this point, saying that creating fewer lots could lessen the impact to these features. Mr. Sivertsen provided context for the proposed number of lots and the required improvements, emphasizing a willingness to discuss fewer lots in relation to the scale of required improvements.

Commissioner Kuritz then requested review comments from the Township Planner, Melissa Kelly from RETTEW. Ms. Kelly reiterated that the flag lots were the primary comment in their review letter. Mr. Sivertsen said the review letter comments would be addressed through greater engineering for the subdivision plan. Fire Marshal Scholly then provided his review comments. He shared where he believed would be the best location for fire hydrants. He also stated that there is flexibility for the driveway width if the homes are sprinklered. Commissioner Kuritz then provided highlights from the McMahan, CKS and Montgomery County Planning Commission review letters.

Commissioner Sirken asked what if the applicant is unsuccessful with a variance from the Zoning Hearing Board. Mr. Sivertsen stated the next plan submission would be a preliminary plan regardless of the result of a variance application.

Jessica Celenza of 1151 Country Lane asked if potential impacts to the stream running along her property's shared boundary with the subject property has been considered.

Commissioner Kuritz summarized the discussion, noting her preference for future plan submissions to include fewer lots to preserve important natural features. Commissioner Hausen stated her opinion that three lots would be fine. This concluded the sketch plan discussion.

**Pickleball Court Sound Mitigation Expenses** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22.

Commissioner Kuritz addressed the continued complaints from residents regarding noise from the pickleball courts. Prior efforts to reduce noise issues by placing signs advising times of play and other court rules and hanging Acoustiblok screens have not yielded the improvement the Township had hoped for. A survey was then sent to the park's neighbors, with 74% of respondents wishing for the courts to stay in place. Therefore, staff is recommending continued sound mitigation efforts to try to reduce the sound while keeping the courts in this location. Commissioner Kuritz detailed the next tier of mitigation efforts, including a time lock gate, a planting buffer behind the courts, and hanging additional Acoustiblok screens. These improvements can be made for a cost not to exceed \$35,000.

Commissioner Pace inquired about the noise reducing racket and whether the Township could provide them for use. Commissioner Canale noted logistical challenges for this concept. Commissioner Kuritz also noted that park use increased throughout the pandemic, resulting in more complaints from surrounding residents.

Commissioner Hausen stated her opposition to spending \$35,000 of taxpayer money to make court usage quieter. Commissioner Canale said he wanted to try to support the surrounding neighborhood. Commissioner Pace asked if the project could be phased in to space out the cost. Commissioner Sirken supported this idea.

Commissioner Kuritz invited public comment at this time. Chuck McDade of 2472 Dale Road stated that residents should call police when the noise is too loud. He commented on the Township's noise ordinance and parks regulations.

There were no further questions from the Board or public. On motion and second by Commissioners Kuritz and Canale, the Board of Commissioner approved expenditure not to exceed \$35,000 for incremental sound mitigation efforts at the pickleball courts in Lower Moreland Park. Commissioner Hausen voted nay.

**Building Official's Report** All Commissioners, the Solicitor and Engineer received a copy of the Building Official's Report for the month of March 2022. Commissioner Kuritz reported on the Code/Building department's activities, highlighting specific permit and inspection activity from the report. There were no additional comments from the Board or public and the report was accepted as submitted.

**Liaison Report** Commissioner Kuritz reported there will be no Planning Commission meeting this month and that the next community event is Earth Day.

PUBLIC SAFETY COMMITTEE

**Presentation – Huntingdon Valley Fire Company Tower Truck** Michael Molda, President of Huntingdon Valley Fire Company, opened the presentation regarding the replacement of Tower 8. He recognized the truck committee members, including Ron Herwig, Ted Middleman, John Ramsden, Justin Smith and Bill Weiland. He reminded the Board that in 2019 he had advised the current Tower 8 was approaching 20 years old and would soon need to be replaced. The truck committee was formed to make a recommendation to the Board of Commissioners.

Safety Officer Herwig presented the committee's findings. He detailed the company's ladder truck history and the several options the committee reviewed. Ultimately, the committee is recommending a Rosenbauer King Cobra given specific features which will best serve the community. Highlights include safer roof access, an articulating ladder which allows access 20 feet below grade and smooth aerial controls. The truck will also allow the Township to maintain its current ISO rating. The quoted price is \$1,671,481 with a two-year delivery period. John Ramsden did note that the truck would require modifications to the firehouse bay if it were to be stored there.

Commissioner Hausen asked for clarification on ISO. Safety Officer Herwig replied that it is a rating system for fire protection which impacts homeowners' insurance rates. Commissioner Kuritz asked how many drivers will be certified to drive the truck. Commissioner Canale asked the cost of modifying the station if necessary. John Ramsden went over the modifications and estimated the cost to be \$50,000. Commissioner Sirken inquired if this truck model has the tires remain on the ground when the ladder is deployed. Safety Officer Herwig advised the tires would be lifted, but not to the extent of their current tower. Commissioner Sirken then asked how long it would take to train on the new truck for it to enter service. Commissioner Kuritz confirmed that the pump on the proposed truck is larger than the current tower.

The Board thanked the committee for their presentation.

**Temporary Road Closure – Inverness Lane** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22.

Manager Hoffman summarized this agenda item stating that there was an increase in traffic on Inverness Lane noticed by the Traffic Safety Unit after Washington Lane was closed for a PennDOT bridge replacement project. Timely decisions were made to mitigate concerns by closing the entrance to Inverness Lane from Terwood Road. He recommended the Board formally establish the closure for Inverness Lane to be closed between Deer Path and Terwood roads during construction on Washington lane. Manager Hoffman also cautioned about the ability to reopen the Terwood and Inverness intersection after the bridge project, as PennDOT's review did confirm inadequate sight distance for all possible turn movements. Commissioner Canale inquired how Inverness Lane could be modified if turns were no longer permitted. There were no further questions by the Board or public and on motion and second by Commissioners Canale and Kuritz, the Board of Commissioner unanimously approved the temporary closure of Inverness Lane between Deer Path and Terwood roads during the Washington Lane bridge construction project.

**Police and Fire Marshal Reports** All Commissioners, the Solicitor and Engineer received a copy of the police report for the month of March 2022 and the Fire Marshal's report for the month of March 2022

Chief Scirrotto detailed local crime activity encountered over the past month and provided updates on various cases being investigated. He reported that there were several drug arrests as well as seven DUI arrests. The Police Department was approached by the Honorary Consul of Ukraine located in Lower Moreland to discuss how to help Ukrainian citizens. They were able to coordinate the donation of 170 bullet proof vests to Ukraine by area departments. The Police Department recently hosted their second crime scene investigation class through the library which had a strong turnout. Commissioner Hausen asked a question regarding a recent repair to a police vehicle, and the difference between the vehicle numbering systems used by the Police Department compared to Public Works.

Fire Marshal Scholly reported that he collaborated with the Huntingdon Valley Fire Company daytime crew to visit the construction site at 2507 Philmont Avenue. They also assisted with an alarm test and Knox Box check at 2381 Philmont Avenue. He also highlighted other HVFC activities throughout March. Regarding Emergency Management, he noted a recent presentation regarding Upper Dublin Township's post-storm communications challenges from Tropical Storm Ida. He also continues to check in with local congregate care facilities regarding any COVID-19 issues. Lastly, Fire Marshal Scholly reported on the U&O program and property maintenance code violation challenges.

Commissioner Hausen asked about the response rate for the HVFC shift program. Manager Hoffman responded that they are doing well with 84% coverage for the month.

**Liaison Report** Commissioner Canale reported there was a good turnout for the first baseball opening day and parade. Regarding the Huntingdon Valley Library, Commissioner Canale advised of water leaks in a recent rainstorm. Manager Hoffman added that an insurance claim was filed. For Library programming, the Fairy Tale Trail in Lower Moreland Park will be starting this month.

#### PUBLIC WORKS COMMITTEE

**2022 Paving Bids** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-6-22.

Commissioner Pace reported that the 2022 paving bids were opened on Wednesday, April 6<sup>th</sup> for the 2022 paving program and James D. Morrissey was the low bidder. Considering the pricing received, staff recommends that the Board proceed with the base bid and the alternate of Red Barn Lane. Commissioner Sirken inquired how the bids compared to expectations. Public Works Director Woerner said they were higher than the prior year's pricing. Commissioner Pace then advised that Bryn Athyn Borough requested to proceed with their alternate as well.

There were no additional questions from the Board or public. On motion and second by Commissioners Pace and Hausen, the Board of Commissioner unanimously approved the 2022 paving contract to James D. Morrissey in the amount of \$577,069.65 for the base bid, alternate 2 for Red Barn Lane, and alternate 5 for Bryn Athyn Borough.

**Historical Architectural Review Board Appointments** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22 and two proposed resolutions.

Commissioner Pace advised the terms of the Historical Architectural Review Board members Luis Vicente Rivera and Bob Schadegg were set to expire on April 18<sup>th</sup>. Mr. Rivera indicated his willingness to continue serving in this capacity and Mr. Schadegg is assigned this role as his position requires. There were no questions from the Board or public.

On motion and second by Commissioners Pace and Canale, the two following resolutions were unanimously adopted by the Board of Commissioners:

Resolution No. 22-23

A resolution reappointing Luis Vicente Rivera to serve a four year term on the Historical Architectural Review Board, commencing April 19, 2022 and ending April 18, 2026

Resolution No. 22-24

A resolution reappointing Robert Schadegg to serve a four year term on the Historical Architectural Review Board, commencing April 19, 2022 and ending April 18, 2026

Copies of the resolutions are attached hereto and made part of the minutes of this meeting.

**Certificates of Appropriateness** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Code Enforcement Officer dated 4-5-22.

Commissioner Pace reported that the Historical Architectural Review Board recommends the issuance of a Certificate of Appropriateness for the property at 2373 Huntingdon Pike. Proposed building improvements include a covered porch along the building's Huntingdon Pike façade, new doors and windows, new roof line and interior alterations to facilitate a change of use from insurance office to hair salon. The project also proposes a new enlarged parking facility. There were no questions from the Board or public and on motion and second by Commissioners Pace and Canale, the Board unanimously approved the issuance of a certificate of appropriateness

**Public Works Department Report** All Commissioners, the Solicitor and Engineer received a copy of the Public Works Department monthly report. Public Works Director Woerner summarized his monthly report, stating that Montgomery County's contractor had completed the upgraded signalization at the Pennypack Trail crossing. The new pedestrian signals have both the standard push button and infrared technology which activates the signal without pushing the button. He noted Township-wide street sweeping is underway and that April 6<sup>th</sup> marked the return of curbside yard waste collection by Republic Services. Lastly, Public Works prepared baseball fields for HVAA's upcoming season. Regarding sanitary sewers, Director Woerner reported on ongoing conversations with Lower Southampton Township regarding their connection into Lower Moreland's system.

**Liaison Report** Commissioner Pace had nothing more to report.

ORDINANCE COMMITTEE

**Residential Regulated Grading Permit Fee Resolution (Pools)** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22 and a proposed resolution.

Commissioner Odhner reviewed the proposed resolution which would create a specific application fee and escrow amount for grading permits involving pools. Currently, pool projects disturbing less than 1,000 square feet only require a \$250 escrow while incurring more than that amount in professional services fees. The resolution proposes a fee structure which would require a \$50 application fee and \$1,000 escrow, totals which are consistent with existing regulated grading permit fees.

There were no questions from the Board or public. On motion and second by Commissioners Odhner and Canale, the Board of Commissioners unanimously approved the following resolution:

Resolution No. 22-25

A resolution amending Chapter A214 of the Code entitled "Fees" by revising the schedule of fees for professional services under Chapter 172, Stormwater Management.

A complete copy of this resolution is attached hereto and made part of the minutes of this meeting.

**Part-Time Code Inspector Funding Authorization** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22.

Commissioner Odhner asked the Board to approve a \$10,000 budget for a part-time code inspector. The general plan would be to have someone drive through the Township for up to 10 hours per week, noting various issues, including property maintenance, signs, sidewalks, stored vehicles and other quality of life items. There were no questions by the Board or public and on motion and second by Commissioners Odhner and Canale, the Board of Commissioners unanimously approved a \$10,000 budget for this position.

**Traffic Related Ordinance** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-22.

Commissioner Odhner advised the Traffic Safety Unit is recommending that parking be prohibited on the north side of Andrew Road between Pine Road and Blake Road based on issues during the Pine Road School drop off and dismissal times. Commissioner Hausen asked why this was being recommended, which Commissioner Canale reiterated the traffic challenges for buses and parents when cars park in this area.

With no further questions, on motion and second by Commissioners Odhner and Kuritz, the Board of Commissioners unanimously authorized advertising an ordinance prohibiting parking at all times on the north side of Andrew Road between Pine Road and Blake Road.



**Zoning Hearing Board Rules Amendments** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-6-22 and a letter from the Zoning Hearing Board Solicitor dated 4-6-22.

Commissioner Odhner stated that Zoning Hearing Board solicitor Joe Bagley requested the Board's consent on a few updates to their hearing rules. Manager Hoffman summarized the proposed rule changes. The first change is to modify the language of Rule 1.2.1 to require the filing of an electronic copy of the plans. Change two requires site and topographic plans to be prepared by an engineer or surveyor only. The third change would require applicants who propose pools or additional impervious coverage to bring an engineer or pool consultant with them to the hearing.

Commissioner Sirken asked if the Board should consider this by motion, and, if approved, when would the Zoning Hearing Board finalize these rule changes. Solicitor Rice answered that they would take effect immediately once voted on by the Zoning Hearing Board. Commissioner Canale asked about the provision allowing for the Zoning Officer's discretion waiving the obligation for plans prepared by a professional surveyor or engineer.

There being no further questions from the Board or public, on motion and second by Commissioners Odhner and Canale, the Board of Commissioners voted unanimously to support the proposed Zoning Hearing Board rules changes.

**Zoning Hearing Board Agenda & Decisions** Commissioner Odhner announced the applications to be heard at the April Zoning Hearing Board meeting and the decisions made at the March hearing. The April meeting will also include a discussion of modifications to the ZHB rules.

**Liaison Report** Commissioner Odhner had nothing more to report

#### PUBLIC PROPERTY COMMITTEE

**Liaison Report** Commissioner Hausen highlighted the discussion from the recent Lower Moreland Township Authority meeting regarding possible implementation of a stormwater fee within the current sewer bill structure. The fee would be the revenue source for specified pollution reduction projects in the Township's MS4. She also mentioned the Township's contract with Philadelphia Water Department, noting instances when the Township exceeded the contractual instantaneous flow limits. The fine incurred was much less than the tolerance built into the annual budget.

#### PUBLIC COMMENT

Mark DeGeorge of 2414 Dale Rd commented on the money authorized for sound abatement at the pickleball courts and the possibility that it will not solve the issue. Mr. DeGeorge also suggested the part-time code inspector position include weekend hours.

**Executive Session** Commissioner Sirken announced that the Board would be meeting with the Solicitor in executive session to discuss two legal matters.

April 12, 2022

**Adjournment** There being no further business to come before the Board adjournment was in order at 9:47 PM.

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Christopher R. Hoffman, Secretary