

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 7:03 p.m. Present were Commissioners Kuritz, Hausen, Canale, Odhner and Pace; Secretary/Manager Hoffman, Solicitor Rice, Engineer Jordan, Police Chief Scirrotto, Public Works Director Woerner, Code Enforcement Officer Schadegg, Fire Marshal Scholly, Assistant Manager Lee, Finance Assistant Simmons and fifteen citizens. 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 August 9, 2022. There were no questions or comments and on motion and second by Commissioners Sirken and Kuritz, the Board of Commissioners unanimously approved the minutes for the month of August 2022.

**Bill List** All Commissioners, the Solicitor and Engineer received a copy of the August Bill List in the amount of \$1,384,489.82. Commissioner Hausen asked Chief Scirrotto to describe some training and K9 related expenses. There were no other 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 August 2022.

**Minimum Municipal Obligation for Pension Plans** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22 and three proposed resolutions.

Manager Hoffman explained that in accordance with Act 205, the Board of Commissioners is required to adopt resolutions determining the following year's Minimum Municipal Obligation (MMO) for the Township's pension plans by September 30<sup>th</sup>. The first two resolutions are related to the Police Pension Plan, setting officer contribution rates for the upcoming year and establishing the MMO. Manager Hoffman explained that no contributions will be necessary and that the MMO will be \$0 because the assets exceed the present value of future benefits. The third resolution establishes the MMO for the Non-Uniformed Employee Pension plan, which is a defined contribution plan, as \$195,738. The contribution rate for 2023 is 9.25% of base wages.

Commissioner Hausen asked what the normal cost percentage meant from the Police Pension Plan MMO. Manager Hoffman stated he would need to ask the actuary but that it did not represent fees paid to the fund manager.

There were no additional questions or comments so the Board considered each of the resolutions. On motion and second by Commissioners Sirken and Pace, the Board of Commissioners unanimously adopted the following resolution:

Resolution No. 22-33

A resolution confirming that no member contributions for the Police Pension Plan for 2023 will be required in accordance with the January 1, 2021 actuarial valuation performed by Conrad Siegel Actuaries.

Next, on motion and second by Commissioners Sirken and Hausen, the Board of Commissioners unanimously adopted the following resolution:

Resolution No. 22-34

A resolution establishing the 2023 Minimum Municipal Obligation at \$0 for the Police Pension Plan in accordance with the January 1, 2021 actuarial valuation performed by Conrad Siegel Actuaries.

Last, on motion and second by Commissioners Sirken and Kuritz, the Board of Commissioners unanimously adopted the following resolution:

Resolution No. 22-35

A resolution establishing the 2023 Minimum Municipal Obligation of \$195,738 for the Lower Moreland Non-Uniformed Employees' Pension Plan.

Complete copies of each resolution are attached hereto and made a part of the minutes of this meeting.

**Bank Account/Investment Policy** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Assistant Township Manager dated 8-30-22.

Assistant Manager Lee stated that since the Township is in a strong cash position, staff is recommending that the Board authorize opening an investment account with Univest Bank to take advantage of strong CD rates. This is consistent with the Township's adopted investment policy but formal approval from the Board was being recommended.

There were no questions or comments and on motion and second by Commissioners Sirken and Kuritz, the Board of Commissioners unanimously voted to authorize the Township Manager as the signer to open a deposit relationship with Univest Bank.

**2023 Budget Meeting Schedule** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22.

Manager Hoffman said the Board would begin its budget preparations this year by meeting with the community groups which receive tax funded contributions from the Township. The organizations will be invited to meet with the Board to present their budget proposals on October 6,

2022 beginning at 6:00 PM. Budget work sessions are scheduled for Tuesday, October 25, 2022 and November 1, 2022 beginning at 5:00 PM.

**Public Hearing – Comcast Franchise Agreement** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22.

Commissioner Sirken advised negotiations are currently underway for the renewal of the Comcast Franchise Agreement. Municipalities participating in the renewal process under the Montgomery County Consortium’s program are being represented by the Cohen Law Group. To satisfy the notice and comment requirement of the Federal Cable Act, each municipality must conduct a public hearing for the purpose of reviewing Comcast’s past performance and to identify future cable-related community needs. He began the hearing by explaining the franchise renewal process provides the opportunity for municipalities to assess their rights with respect to their cable operators and to obtain important benefits in return for granting cable operators the right to use public rights-of-way. He read the list of potential benefits available through the franchise agreement which include a state of the art cable system now and in the future, strong customer service standards, free services to community facilities, better reporting requirements, maximized franchise fees, education and governmental channel availability, capital support for active education and governmental channels, legal protections of rights-of-way and better mechanisms to enforce the franchise agreement. He invited public comment on these items or any other cable-related issue. Commissioner Hausen mentioned moving cable lines from old utility poles to recently installed poles so the duplicate pole could be removed. There were no additional comments; therefore, the hearing concluded.

**Administration Report** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-9-22 and a memorandum from the Assistant Manager.

Manager Hoffman reported that the sketch plan review for the possible subdivision of 3262 Huntingdon Pike had been removed from the agenda. He advised he spoke with the applicant’s attorney who advised they would instead be submitting a 3-lot concept. Next, he reported that the draft NPDES permit for the Chapel Hill Wastewater Treatment plant had been received.

Assistant Manager Lee reported that the RFP for Township Auditor was distributed to nine area firms who have experience working with local governments and staff expects to have the results and recommendations for the October meeting. She added that the second payment of ARPA funds arrived this week. Lower Moreland will be using the \$686,316 of funds for sewer system capital project.

**Tax Collector’s Report** All Commissioners, the Solicitor and Engineer received a copy of the Tax Collector’s Report for the month ending August 31, 2022. Tax Collector Jane Saile reviewed her report which was accepted as submitted.

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

## COMMUNITY DEVELOPMENT COMMITTEE

**Conditional Use Decision – LMTSD Bus Garage/Red Lion Road #22-03** All Commissioners, the Solicitor and Engineer received a copy of a proposed adjudication.

Solicitor Rice recapped the hearing from the prior month when the School District requested approval for First Student, the busing contractor which transports students in the District, to utilize the existing bus facility for private charters. The two proposed conditions are that no pickup or drop-off occurs on the District's property and that the District will mitigate existing stormwater runoff from the site in a form and manner to be approved by the Township Engineer.

Commissioner Hausen asked if charter availability would be limited to the existing fleet. Phil Mergen of 601 Barrett Avenue asked if alcohol will be permitted on the buses.

On motion and second by Commissioners Kuritz and Canale, the Board of Commissioners unanimously approved the Adjudication and Order dated September 13, 2022, approving the conditional use application of the Lower Moreland School District for the bus facility at 605 Red Lion Road for private charters.

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

**Liaison Report** Commissioner Kuritz reported that there is no Planning Commission meeting in September and highlighted recent and upcoming community events. She noted that the Fire Prevention Day and Open House date has been moved from October 15<sup>th</sup> to October 8<sup>th</sup>. Commissioner Sirken asked if there will be a Halloween decorating contest this year. Judi Moss of 144 Byberry Road suggested incorporating a food drive at an event.

## ORDINANCE COMMITTEE

**Non-Discrimination Ordinance** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22 and the advertised ordinance.

Commissioner Odhner reintroduced the ordinance discussion which had been tabled at the July 2022 meeting. He stated his understanding that the original purpose for considering this ordinance was that LGBTQ+ was not covered by the Pennsylvania Human Relations Act. However, he was now aware of notice from the Attorney General and Pennsylvania Human Relations Commission (PHRC) that this group may be able to submit discrimination claims on the state level. He suggested the Board discuss whether a local ordinance was necessary in light of what had been learned.

Solicitor Rice stated that the PHRC had published a proposed rule change which would provide coverage for LGBTQ+ individuals to submit discrimination claims. This would change the premise for why many municipalities had adopted local Human Relations Commission ordinances.

Commissioner Hausen expressed that she feels that the Township needs to make a stand on this whether or not the state accepts claims because state officials can change, that Lower Moreland Township needs to be responsive to the needs of the LGBTQ+ community, and to show that Lower Moreland is accepting. She read letters from current/former Lower Moreland High School students who detailed their experiences with discrimination and bullying. Commissioner Hausen said her position is to establish a legislative basis for LGBTQ+ individuals as a covered class. She asked the Board to listen to upcoming public comment from representatives from Abington Township.

Commissioner Odhner stated his belief that each Board member stands against the actions described in the student letters. He asked those participating in the conversation understand the limits of the ordinance in relation to discriminatory acts. Solicitor Rice clarified that a local ordinance would not pre-empt state regulations and that it would establish a mediation process for discrimination claims.

Commissioner Kuritz noted that with the evolving information available to the Board, that is why she would like to continue looking at the information. She asked if the PHRC rule is adopted whether that would trump any local efforts. Solicitor Rice reiterated his response to Commissioner Odhner's prior question. Commissioner Kuritz then asked how often claims have been filed in municipalities with Human Relations Commissioner. Solicitor Rice said most had little or no complaints.

Commissioner Sirken highlighted the horrific bullying detailed in the letters read by Commissioner Hausen. He noted that some members of the School Board and their solicitor were in attendance and they may wish to add to the public conversation. David Conn, Lower Moreland Township School District Solicitor, spoke while acknowledging he could not do so specifically on the District's behalf. He noted he had drafted Doylestown Borough's non-discrimination ordinance in 2010 and that public accommodations as referenced in the ordinance does include schools. Mr. Conn said the PHRC is already accepting discrimination claims for LGBTQ+ individuals. He noted that the Doylestown HRC has not received a discrimination claim based on sexual orientation but has done outreach in the community.

Commissioner Odhner then opened the meeting to public comment. Judi Moss of 144 Byberry Road spoke in support of the ordinance.

Mary Jane Odhner of 2626 Alden Road (Bryn Athyn Borough) spoke in support of the ordinance.

Lori Schreiber, Abington Township Ward 14 Commissioner, spoke about Abington's non-discrimination ordinance and offered support for passing one in Lower Moreland.

Joanne Kleiner, Chair of Abington Township’s Human Relations Commission, spoke about the lack of federal and state legislative protections for LGBTQ+ individuals. She also spoke to Abington’s mediation process.

Carrie Givhan of 3883 Buck Road spoke in support of the ordinance.

Saji Matthew of 3870 Ramage Run spoke in support of the ordinance.

Commissioner Odhner summarized the discussion and suggested the Board table the ordinance consideration to give time to learn how possible state regulation would impact the local ordinance and then revisit the conversation. Solicitor Rice stated the ordinance would need to be readvertised to consider at a future meeting. He suggested following up with the Attorney General and PHRC and then discussing the ordinance again at the October meeting. The ordinance could not be voted on at that meeting but the Board could give direction for what to do next.

There was no additional comment from the Board or public. On motion and second by Commissioners Odhner and Pace, the Board of Commissioners approved tabling the ordinance discussion and having it as an agenda item in October. Commissioner Hausen voted nay.

**Local Economic Revitalization Tax Assistance Ordinance** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22 and a copy of the advertised ordinance.

Commissioner Odhner stated that the Board authorized advertising an ordinance to extend the LERTA program for another 5-year period. Commissioner Hausen asked Manager Hoffman to explain what LERTA is. Manager Hoffman detailed how this economic development program incentives redevelopment by offering a real estate tax abatement on newly assessed improvements for a 10-year period. He noted the two projects which utilized LERTA along the Philmont corridor. Solicitor Rice stated the original ordinance had a sunset provision after five years and that only non-residential projects are eligible.

Michael Berardi of 240 Barnsley Avenue asked for additional detail for how the abatement program worked. There were no additional questions or comments and on motion and second by Commissioners Odhner and Kuritz, the Board of Commissioners approved the following ordinance. Commissioner Hausen voted nay.

Ordinance No. 765

AN ORDINANCE EXTENDING THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE PROGRAM FOR AN ADDITIONAL TIME PERIOD OF FIVE YEARS.

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

**Police Pension Ordinance** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22 and the advertised ordinance.

Commissioner Odhner stated that at the previous meeting the Board authorized advertising an ordinance which would amend the Police Pension Plan in accordance with the recently approved collective bargaining agreement. There were no questions or comments and on motion and second by Commissioners Odhner and Canale, the Board of Commissioners approved the following ordinance:

Ordinance No. 766

AN ORDINANCE AMENDING THE LOWER MORELAND TOWNSHIP CODE OF ORDINANCES, CHAPTER 45, ARTICLE 1, POLICE PENSION FUND.

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

**Zoning Hearing Board Agenda & Decisions** Commissioner Odhner announced the applications to be heard at the September Zoning Hearing Board meeting and the decisions made at the August hearing.

**Liaison Report** Commissioner Odhner reported that PERT just finished summer of programs and recommended residents join the Trust.

PUBLIC WORKS COMMITTEE

**2019 Green Light Go Grant Bid Award** All Commissioners, the Solicitor and Engineer received a copy of a letter from McMahon Associates dated 9-8-22.

Commissioner Pace highlighted the signals which would be improved with the grant funds. He reported that the qualified low bidder was Armour & Sons Electric, Inc. with the total bid of \$511,092.50. There were no questions or comments and on motion and second by Commissioners Pace and Canale, the Board of Commissioners unanimously awarded the contract to Armour & Sons, Inc.

**Public Works Department Report** All Commissioners, the Solicitor and Engineer received a copy of the Public Works Department monthly report.

Public Works Director Woerner gave his monthly report, stating that the fall leaf collection schedule had been published. He reported on the PennDOT winter services agreement and recent group bids for road salt which will increase significantly in 2023. Commissioner Kuritz asked Mr. Woerner to discuss the upcoming tree planting through PHS.

**Liaison Report** Commissioner Pace had nothing further to report

## PUBLIC SAFETY COMMITTEE

**LMPD Accreditation Services Proposal** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 9-1-22 and a proposed professional services agreement.

Commissioner Canale stated that the Police Department continues its preparation for the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) accreditation process. He added that most of the work is being handled internally, however, the Department received a federal grant to offset the cost of using a consultant to guide the process. Chief Scirrotto is recommending the Board approve a proposal from Law Enforcement Accreditation Services LLC (LEAS) at a rate of \$100 per hour with a maximum annual fee of \$7,500. There were no questions or comments and on motion and second by Commissioners Canale and Odhner, the Board of Commissioners unanimously approved the LEAS proposal as described.

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

Chief Scirrotto detailed local crime activity encountered over the past month and provided updates on various cases being investigated. He highlighted the DUI checkpoint that was conducted at 2755 Philmont Avenue by the Eastern Montgomery County DUI Task Force. During the checkpoint, task force officers made contact with 939 vehicles, and 15 operators were detained/tested. He added that the LMPD summer interns participated in a social media campaign about a new crime trend. After being posted on the Department's Crime Watch, the story was aired on both Fox 29 and 6 ABC news networks to publicize the information across our region.

Fire Marshal Scholly reported on fire response activities by the Huntingdon Valley Fire Company. He added that he assisted with instructing an active shooter program with Rich Worthington for the Valley Christian School. He also has been working with the Turnpike Commission on attaining new card access keys for the Heaton Road gate. The Turnpike has updated their entrances and will be sending a few card keys to the Township. Montgomery County will be administering flu and COVID-19 booster shots. Public Works Director Steve Woerner thanked Fire Marshal Scholly and the Huntingdon Valley Fire Company for helping with a gas leak in front of the Public Works facility.

**Liaison Report** Commissioner Canale provided monthly updates for HVAA and the Huntingdon Valley Library.

## PUBLIC PROPERTY COMMITTEE

**Liaison Report** Commissioner Hausen had nothing to report.



PUBLIC PARTICIPATION

Larry Van Pheiffer of 1386 Holt Road stated his concerns regarding the PECO underground electric project and inquired about right-of-way standards for locating the lines.

**Adjournment** There being no further business to come before the Board, adjournment was in order at 9:37 PM.

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Christopher R. Hoffman, Secretary