

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 7:05 p.m. Present were Commissioners Kuritz, Hausen, Canale, Odhner, and Pace; Secretary/Manager Hoffman, Solicitor Rice, Engineer Woodrow, Police Chief Scirrotto, Public Works Director Woerner, Code Enforcement Officer Schadeegg, Fire Marshal Scholly, Assistant Manager Lee, Finance Assistant Simmons, and two citizens. Tax Collector Saile and several citizens joined via Zoom. The Pledge of Allegiance was recited.

**Executive Session** Commissioner Sirken announced the Board of Commissioners met prior to the meeting in executive session to review personnel matters.

#### INTERNAL AFFAIRS COMMITTEE

**Minutes** All Commissioners, the Solicitor, and Engineer received a copy of the minutes of November 8, 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 November 2022.

**Bill List** All Commissioners, the Solicitor, and Engineer received a copy of the December Bill List in the amount of \$1,176,411.91. There were no questions or comments and on motion and second by Commissioners Sirken and Pace, the Board of Commissioners unanimously approved the Bill List for the month of December 2022.

**Adoption of 2023 Budget** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22, the advertised tax ordinance, and the advertised sewer rate ordinance.

Manager Hoffman summarized the two budget related ordinances to be considered by the Board of Commissioners. The first is the Tax Levy and Appropriation Ordinance which authorizes spending levels and sets the 2023 tax millage. He detailed the two millage categories which will increase in 2023, including the Fire and Library taxes. The second ordinance sets the 2023 sewer billing rates. He explained no ordinance was necessary for the trash fee since that will remain the same.

Commissioner Hausen asked why there was not an ordinance for the new stormwater fee. Manager Hoffman explained the fee was established by the Lower Moreland Township Authority by resolution at their October 2022 meeting. The Township's consideration included the new Stormwater Fund in its overall budget.

Chuck McDade of 2472 Dale Road advised the Board that the legal notice for the 2023 sewer rates included the incorrect year in the effective date. Solicitor Rice advised he could follow the Board's action by running an updated legal ad.

There were no further questions from the Board or the public. On motion and second by Commissioners Sirken and Kuritz, the Board of Commissioners unanimously approved the following ordinance:

ORDINANCE NO. 767

AN ORDINANCE FIXING THE TAX RATE FOR THE YEAR 2023 AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH DURING THE CURRENT FISCAL YEAR

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

Then, on motion and second by Commissioners Sirken and Canale, the Board of Commissioners unanimously approved the following ordinance with the condition that Solicitor Rice submit a revised legal notice with the correct date:

ORDINANCE NO. 768

AN ORDINANCE TO AMEND CHAPTER 160 "SEWERS," ARTICLE I "SEWER DISTRICTS," SECTION 160-2 "ANNUAL SEWER RENT," AND SECTION 160-4 "DELINQUENT BILLS; PENALTIES," AND TO AMEND ALL OTHER CODE SECTIONS, CODE APPENDIX AND ALL OTHER ORDINANCES TO THE EXTENT THEY ARE INCONSISTENT WITH THE PROVISIONS CONTAINED IN THIS ORDINANCE.

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

**Ward Redistricting Update** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22 and a draft ordinance.

Solicitor Rice summarized the draft ordinance he prepared in conjunction with the Township's consultant, Amanda Holt based on the requirement in the Municipal Reapportionment Act to balance the population in each ward based on the 2020 census. He explained the changes must comply with various regulations regarding the population totals and boundary lines. He then detailed the process which would follow the Board's adoption of an ordinance which involves several authorizations on the County level. Solicitor Rice stated that if the draft ordinance was acceptable, the Board may authorize advertising the ordinance by motion for consideration in January. Lastly, he did advise that it was possible the County process would take too long for the ward changes to be implemented in 2023.

Commissioner Canale asked why new developments were not included on the map. Manager Hoffman explained they were not in place yet when the 2020 census was conducted.

Ms. Holt made a brief presentation to the Board of Commissioners. She explained the smallest geographic area used to count people in the census is a Census Block. Any ward changes must follow census block boundaries. Ms. Holt then displayed the existing boundaries and their respective populations followed by a slide with the proposed map changes. Three specific changes are recommended to balance the wards.

Chuck McDade of 2472 Dale Road asked whether the proposed map will be available on the website.

There were no further questions from the Board or the public. On motion and second by Commissioners Sirken and Canale, the Board of Commissioners unanimously authorized advertising the ward redistricting ordinance as described.

**Health Plan Update** All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Assistant Township Manager and two proposed resolutions.

Manager Hoffman explained that all Township employees would be switching to a new health insurance plan in January 2023 which will be a high-deductible PPO plan with an HSA/HRA. He stated that two resolutions were necessary to establish these plans, with the HSA being added to the restated cafeteria plan and the HRA being adopted by separate agreement. The first authorizes pre-tax employee wages to be contributed towards insurance premium cost sharing as well as the newly established Health Savings Account. The second Health Reimbursement Arrangement authorizes for PayFlex to serve as the third-party to oversee and coordinate the health reimbursement process for the employees enrolled in this plan.

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

Resolution 22-40

A resolution authorizing the President of the Board of Commissioners and the Secretary of the Township to execute the amended and restated Cafeteria Plan under Section 125 of the IRS Code on behalf of the Township

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

Resolution 22-41

A resolution authorizing the President of the Board of Commissioners and the Secretary of the Township to execute the Health Reimbursement Arrangement Adoption Agreement on behalf of the Township

Complete copies of these resolutions are attached hereto and made a part of the minutes of this meeting.

**Appointment of Alternate Right-to-Know Officer** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22.

Commissioner Sirken gave the recommendation to appoint Lieutenant Scott Smith as the right-to-know officer for police-related matters. Commissioner Hausen asked for clarification if Lieutenant Smith

will be the alternate or replacement for Manager Hoffman. Solicitor Rice explained that Lieutenant Smith will handle police right-to-know matters while Manager Hoffman will handle requests for all other township matters. There were no other questions or comments and on motion and second by Commissioners Sirken and Odhner, the Board of Commissioners unanimously appointed Lt. Scott Smith as the Township's alternate right-to-know officer.

**Administration Report** All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager dated 12-6-22 and a memorandum from the Assistant Manager.

Manager Hoffman reported on the High School construction project. He stated there have been site improvement challenges regarding their stormwater designs. Township staff is assisting the District with identifying grant opportunities. The District will be submitting a DCED small water and sewer grant which will require the Township to be the applicant. PennDOT is beginning infiltration testing for the stormwater design for the roundabout project on Philmont/Pine/Tomlinson. Next, the PennDOT Cultural Resource Professional has issued the "no adverse impact letter" for the Fetters Mill Bridge, and utility work is scheduled to begin. Lastly, the volunteer HR mediator position has been posted and the Township is currently accepting applications.

Assistant Manager Lee reported that since the last meeting the Township has closed the DCED MTF grant for the Philmont/Pine/Tomlinson intersection design. Additionally, the DEP 902 grant reimbursement for the compost equipment was received. Staff is starting to prepare the Winter 2023 Newsletter and is aiming for February distribution. Year end for financials has started and the Township upgraded the email server for a more secure email system.

**Tax Collector's Report** All Commissioners, the Solicitor, and Engineer received a copy of the Tax Collector's Report for the month ending November 30, 2022. There were no questions or comments.

**Liaison Report** Commissioner Sirken reported that he continues to attend school board meetings and attended the recent Civil Service Commission meeting.

#### COMMUNITY DEVELOPMENT COMMITTEE

**Consultants Fee Schedule** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22 and a proposed resolution.

Commissioner Kuritz reviewed the proposed resolution establishing the fee schedule for professional services effective January 1, 2023. The schedule reflects the hourly rates charged for civil engineering at \$107, planning at \$142, authority engineering at \$135, traffic engineering at \$195, legal fees at \$205, and plan review at \$65. On motion and second by Commissioners Kuritz and Hausen, the Board of Commissioners unanimously adopted the following resolution:

## Resolution No. 22-42

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 a part of the minutes of this meeting.

**Building Official's Report** All Commissioners, the Solicitor, and Engineer received a copy of the Building Official's Report for the month of November 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 will be no Planning Commission meeting in December and that she attended the School District's DEI meeting. Commissioner Kuritz highlighted upcoming events in the community such as Pack the Police Car gift donation event hosted by the Lower Moreland Police Department.

## PUBLIC SAFETY COMMITTEE

**Civil Service Rules Update** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 12-7-22 and a memorandum from the Chief of Police dated 12-13-22

Chief Scirrotto summarized proposed changes to the Township's civil service regulations which were approved by the Civil Service Commission at their recent meeting. Some of these changes include adjusting age requirements, hiring process requirements, driver's license requirements, adding a corporal rank and probationary period rules. There were no questions from the Board or the public. The rules will be brought back to the Board for consideration in January.

**Permanent Appointment of Police Officer** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22.

Chief Scirrotto reported that The Lower Moreland Police Department completed Officer John McBride's 11-month review. He will complete his one-year probationary period on December 20, 2022 and is being recommended for permanent appointment to the Department. There were no questions from the Board or public and on motion and second by Commissioners Canale and Odhner, the Board of Commissioners unanimously appointed Officer John McBride as a permanent member of the Lower Moreland Police Department, effective December 20, 2022.

**LMPD Discipline Matters** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 11-28-22

The Board met in executive session to review three personnel matters with Chief Scirrotto. While most HR matters are handled by the Township's appointed officials, the

First Class Township Code gives the authority to “remove, suspend or demote” police officers to the Board of Commissioners. Each recommendation is consistent with the Township’s efforts for progressive discipline. Commissioner Sirken recused himself from voting because he is on the Civil Service Commission.

On motion and second by Commissioners Canale and Pace, the Board of Commissioners unanimously accepted Chief Scirrotto’s disciplinary recommendation for Officer Kelly Heist.

On motion and second by Commissioners Canale and Hausen, the Board of Commissioners unanimously accepted Chief Scirrotto’s disciplinary recommendation for Sergeant Julia Huttick.

On motion and second by Commissioners Canale and Kuritz, the Board of Commissioners unanimously accepted Chief Scirrotto’s disciplinary recommendation for Officer Sierra Volkert.

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

Chief Scirrotto detailed local crime activity encountered over the past month and provided updates on various cases being investigated. He highlighted the LMPD Citizen’s Police Academy class has graduated and Officer Saman Hashemi-Sohi and his K9 partner Thor graduated from patrol school at the Penn Vet Working Dog Center and have begun patrol duties. He also reminded residents that there is a safe exchange spot at the police department for internet purchases.

Fire Marshal Scholly reported on fire response activities by the Huntingdon Valley Fire Company. He added that he and Deputy Director of Emergency Management Rich Worthington attended various Emergency Management meetings. He also met with the Lower Moreland High School principal and discussed evacuation procedures and presented their findings to the Safe Schools Committee. Mr. Worthington led an Active Intruder Drill at the Huntingdon Valley Surgical Center on Byberry Road and presented a weather emergency drill to the staff at St. Albert School. Fire Marshal Scholly continues to do fire inspections based on reported violations received from County inspectors.

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

#### PUBLIC WORKS COMMITTEE

**Lower Moreland Park Field Fencing Bid Award** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 12-7-22.

Commissioner Pace reported that three bids were received for the Lower Moreland Park backstop and sideline fencing project. Commissioner Pace reported that the qualified low bidder was Chester County Fencing with a total bid of \$59,499. There were no questions or comments and on motion and second by Commissioners Pace and Kuritz, the Board of Commissioners unanimously awarded the contract to Chester County Fencing in the amount of \$59,499.

**Intermunicipal Agreement for DEP 904 Grant** All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 12-2-22, a proposed resolution, and a draft inter-municipal agreement.

Commissioner Pace reported that DEP requires an inter-municipal agreement to apply jointly with Upper Moreland Township for the DEP 904 grant. This will give Lower Moreland an opportunity to increase the grant award for the next filed application. Solicitor Rice has prepared a resolution and agreement for the Board's consideration. There were no questions from the Board or public and on motion and second by Commissioners Pace and Canale, the Board of Commissioners unanimously voted to approve the following resolution:

Resolution No. 22 - 43

A resolution approving and adopting a certain intergovernmental agreement regarding a multi-municipal application to the Department of Environmental Protection for a recycling program performance grant

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

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

Public Works Director Woerner reported that leaf collection will be done on schedule and bare root trees have been planted. He provided updates on building maintenance at the library. Commissioner Kuritz added that there will be a Lower Moreland High School, day of service project for Martin Luther King Day.

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

PUBLIC PROPERTY COMMITTEE

**Lower Moreland Township Authority Appointment** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 12-2-22 and a proposed resolution.

Commissioner Hausen reported that Frank Spada is willing to continue his position as a volunteer at the Lower Moreland Township Authority. There were no questions from the Board or the public. On motion and second by Commissioners Hausen and Pace the Board of Commissioners unanimously approved the following resolution:

Resolution No. 22-44

A resolution authorizing reappointing of Frank Spada to a new five-year term on the Lower Moreland Township Authority, commencing January 3, 2023 and ending January 2, 2028.

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

**Liaison Report** Commissioner Hausen mentioned the notification process for the newly implemented stormwater fee.

ORDINANCE COMMITTEE

**Traffic Related Ordinance** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 12-2-22 and an advertised ordinance.

Commissioner Odhner stated that in November, the Board authorized advertising a traffic-related ordinance that prohibits parking without permission on the private property of 2245 Huntingdon Pike and prohibits left turns from Inverness Lane to Welsh Road. There were no further questions from the Board or the public. On motion and second by Commissioners Odhner and Kuritz, the Board of Commissioners unanimously voted to approve the following ordinance:

ORDINANCE NO. 769

AN ORDINANCE TO AMEND THE CODE OF LOWER MORELAND TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA BY AMENDING SECTION 198-21 OF CHAPTER 198, "VEHICLES AND TRAFFIC" BY ESTABLISHING AREAS WHERE PARKING IS PROHIBITED AT ALL TIMES IN ACCORDANCE WITH SECTION 3353 (b) OF THE PENNSYLVANIA MOTOR VEHICLE CODE AND TO PROHIBIT LEFT TURNS AT CERTAIN INTERSECTIONS

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

**Zoning Hearing Board Appointment** All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 12-2-22 and a proposed resolution.

Commissioner Odhner reported that Eric Rayz is willing to continue his position as a volunteer on the Zoning Hearing Board. There were no questions from the Board or public. On motion and second by Commissioners Odhner and Hausen, the Board of Commissioners unanimously approved the following resolution:

Resolution No. 22-45

A resolution authorizing reappointing Eric Rayz to a new three-year term on the Building Code Board of Appeals commencing January 5, 2023, and ending January 4, 2026

A complete copy of this resolution 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 November Zoning Hearing Board meeting and the decisions made at the November hearing.



December 13, 2022

The Board of Commissioners discussed Application No. 22-19 in greater detail. The application is for a Special Exception to permit an assisted living facility for the elderly at 106 Byberry Road. On motion and second by Commissioners Odhner and Canale, the Board of Commissioners unanimously authorized Solicitor Rice to send a letter to the applicant and Zoning Hearing Board Solicitor reminding them of the specific use regulations for this use.

**Liaison Report Liaison Report** Commissioner Odhner had nothing new to report regarding the Pennypack Trust.

#### PUBLIC PARTICIPATION

Mark DeGeorge of 2414 Dale Road asked if the township was aware that the Westrum project was now called Crescent Fields instead of Arbour Square.

**Adjournment** There being no further business to come before the Board, adjournment was in order at 8:50 PM.