

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; Solicitor Rice, Engineer Woodrow, Police Chief Scirroto, Public Works Director Woerner, Code Enforcement Officer Schadegg, Fire Marshal Scholly, Assistant Manager Lee, Finance Assistant Simmons, and six citizens. Secretary/Manager Hoffman 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 December 13, 2022. There were no questions or comments and on motion and second by Commissioners Sirken and Canale, the Board of Commissioners unanimously approved the minutes for the month of December 2022.

Bill List All Commissioners, the Solicitor, and Engineer received a copy of the January Bill List in the amount of \$1,538,908.21. Commissioner Hausen commented that the primary large expense was trash related.

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 January 2023.

Bryn Athyn Borough Intergovernmental Cooperation Act Resolution All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager dated 1-4-23 and a draft resolution.

Manager Hoffman summarized the proposed resolution which establishes the Office of the Chief of Emergency Services. He noted the resolution is the next administrative step based on the discussions with Bryn Athyn Borough, following the Board establishing the funding necessary to create this position in the 2023 budget. Next steps will include a separate funding agreement and advertising the position. Lastly, he advised that Borough Council unanimously approved their version of this resolution at their meeting the prior evening.

There were no questions or comments and on motion and second by Commissioners Sirken and Kuritz, the Board of Commissioners unanimously approved the following resolution:

Resolution No. 23-01

A resolution establishing the Office of Chief of Emergency Services in cooperation with Bryn Athyn Borough, pursuant to the Intergovernmental Cooperation Act

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

LMTSD DCED Grant Application Resolution All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager dated 1-4-23 and a draft resolution.

Commissioner Sirken requested a summary from Manager Hoffman regarding how the Township is assisting the Lower Moreland Township School District with a grant application. Manager Hoffman reiterated he previously advised the Board that Township staff was working with District staff and consultants to identify grant opportunities to address storm pipe issues on Red Lion Road which were outside the original project scope for the new high school. Staff ultimately recommended that DCED's Small Water and Sewer Program grant is the best opportunity for the District to recoup funds for this project. The District's engineering firm, Pennoni, submitted the application in mid-December 2022. The last step for the application is to consider this resolution which authorizes the application and authorizes the Township Manager and Assistant Township Manager to execute any grant documents if it is awarded. Manager Hoffman advised that if successful, the project will require a separate funding agreement and an HOP indemnity agreement. He recommended these items be in place before the Township would sign a grant agreement with DCED.

Commissioner Sirken asked what form these agreements would take with LMTSD. Solicitor Rice stated a reimbursement agreement would be appropriate so the Township would have funds from the District prior to remitting any payments. He also described the HOP indemnity agreement process, as PennDOT requires the Township to be the permittee for this project.

Commissioner Hausen asked if the grant request will cover the entire cost. Manager Hoffman cautioned that he did not want to speak on the District's behalf since their consulting team developed the plan and cost estimate. However, he stated the utility plan prepared by Pennoni was the basis for the cost estimate they prepared.

There were no additional questions or comments and on motion and second by Commissioners Sirken and Canale, the Board of Commissioners unanimously approved the following resolution:

Resolution No. 23-02

A resolution authorizing the submission of a grant application for the PA Small Water and Sewer Program grant.

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

Administration Report All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23 and a memorandum from the Assistant Manager.

Manager Hoffman reported on the progress of the new stormwater fee implementation. He noted that Sewer Billing Clerk Tara Lizzi has been coordinating with the printer for the new billing design, direct notice was provided to residents and businesses who did not currently receive a sewer bill, updates for the website and newsletter will be drafted. He highlighted that Tara has fielded several calls and emails regarding the fee and has done an admirable job explaining this to residents. Next, he advised that Westrum has initiated the process to request occupancy of their new building. He mentioned upcoming meetings to review this request. Manager Hoffman then advised the BET Investments conditional use and preliminary land development applications are being processed. He announced the conditional use hearing will be scheduled for February 14, 2023. Additionally, a sketch plan was submitted for 1241 Welsh Road proposing twin houses which is being reviewed by staff.

Assistant Manager Lee reported that the Township is applying for another Montco 2040 grant for sidewalk on Byberry Road to connect to the Pennypack Trail. A resolution will be prepared for the February meeting to apply for the grant. Commissioner Sirken asked where on Byberry Road the sidewalk will be placed.

Tax Collector's Report All Commissioners, the Solicitor, and Engineer received a copy of the Tax Collector's Report for the month ending December 31, 2022. There were no questions or comments.

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

COMMUNITY DEVELOPMENT COMMITTEE

LMTSD Development Agreement Modification Request All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23.

Manager Hoffman gave a summary of a request from the School District for an exception to the Township's Development Agreement that requires most improvements to be completed before occupancy may be permitted. Specifically, it may help the District's construction schedule if some or all of the required Red Lion Road improvements be installed after occupancy of the new high school in February 2024.

Jamie Lynch, D'Huy Engineering, spoke on the District's behalf and provided additional detail. He reminded the Board the high school property has two driveway intersections with Red Lion Road which will be improved. Mr. Lynch highlighted the several area Philmont and Red Lion infrastructure improvement projects and that the Township and District are exploring ways to possibly add the District's Red Lion Road improvements to one of these projects if that provided cost savings. These collaborative efforts may require the improvements to be made in the summer of 2024. No action item is being requested at this meeting.

Commissioner Kuritz highlighted her support for the District and Township staff working collaboratively so the kids can begin using the new school in a timely fashion. Commissioner Hausen asked to ensure open communication between the Township and School District. There were no further questions or comments from the Board or public.

Escrow Release – Westrum/2507 Philmont Ave #19-03 All Commissioners, the Solicitor, and the Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23 and a letter from Engineer Woodrow dated 1-3-23.

Commissioner Kuritz summarized Engineer Woodrow's recommendation for the escrow release for the 2507 Philmont Avenue development. Escrow release #6 is for \$145,357.69 which will leave a balance of \$437,576.75. Engineer Woodrow stated that the work on the Westrum site is nearing completion. He added that while some plant material can be planted now, it is best to wait for warmer temperatures. Additionally, installing the trail improvements in the Spring will yield a better result. Lastly, the white vinyl fence will be installed within a few days. Commissioner Kuritz asked when they might request the final release of escrow. Engineer Woodrow said he expected by summer, though major items required to occupy the building will be complete.

Chuck McDade of 2472 Dale Rd asked Engineer Woodrow what type of trees will be planted on the back hill of the site. He wants the landscaping plan implemented to mitigate sound.

There were no other questions or comments and on motion and second by Commissioners Kuritz and Pace, the Board of Commissioners unanimously approved the escrow release of \$145,357.69.

Planning Commission Appointment All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23 and a proposed resolution.

Commissioner Kuritz explained the Board of Commissioners conducted two interviews for the Ward 1 Planning Commission position on December 8, 2022. She then opened the floor to the Board for questions. Commissioner Canale commented that both candidates seemed excellent for the position. Commissioner Hausen said that she is fond of both candidates and that they are both her neighbors.

There were no questions or comments from the public and Commissioner Kuritz requested a motion for one of the candidates. Commissioner Hausen made a motion to appoint Jesse King which was seconded by Commissioner Odhner. Commissioner Sirken requested a roll call vote. Commissioners Hausen and Odhner voted aye. Commissioners Pace, Canale, Sirken and Kuritz voted nay. The motion did not pass.

Commissioner Kuritz asked if any Commissioner had another motion. Commissioner Pace made a motion to appoint Sheldon Margolis which was seconded by Commissioner Kuritz. Commissioner

Sirken again requested a roll call vote. Commissioners Pace, Canale, Sirken and Kuritz voted aye. Commissioners Hausen and Odhner voted nay. Therefore, the following resolution was adopted:

Resolution No. 23-03

A resolution appointing Sheldon Margolis to a four-year term as the Ward 1 Planning Commission member, commencing January 11, 2023, and ending January 10, 2027.

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 December 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 there will be a Planning Commission meeting in January and will attend the School District's next DEI meeting. Commissioner Kuritz highlighted upcoming community events such as the high school's Martin Luther King Day of Service and the spring egg hunt.

ORDINANCE COMMITTEE

Ward Redistricting Ordinance All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23 and an advertised ordinance.

Commissioner Odhner advised the ordinance had been advertised per the Board's direction and requested Solicitor Rice give a summary. The Solicitor stated that the township is following the Municipal Reapportionment Act which requires local governments that elect its officials by ward to balance the ward populations, following the federal census. He stated the analysis performed by the Board's consultant determined five of the six wards in Lower Moreland were outside the appropriate population range. He also explained how federal census blocks are used to determine the proposed boundaries and the process for approval.

Commissioner Hausen asked if the County approval can be accomplished before the May 2023 primary election and how it would impact the nominating submissions for Commissioner elections.

Chuck McDade of 2472 Dale Rd stated his understanding that the 2020 census numbers must be used. He asked why the Township was making these changes now when two new residential developments were occupied after the census and with additional upcoming projects along the Philmont Avenue corridor. He thinks it would be more accurate to do this following the 2030 census. He also asked whether a seventh ward should be considered.

Commissioner Canale asked when new ward boundaries would take effect if the County did not approve them by the 2023 primary. Commissioner Pace asked when the process would need to start so it could take effect for the 2025 primary.

Commissioner Sirken asked Solicitor Rice to confirm that the Township was following its statutory obligation by going through this process. He then asked for clarification for the County's timing of approval and its application to the 2023 or 2025 municipal election cycle.

There were no further questions or comments and on motion and second by Commissioners Odhner and Pace, the Board of Commissioners approved the following ordinance. Commissioner Canale voted nay.

ORDINANCE NO. 770

AN ORDINANCE OF LOWER MORELAND TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, REALIGNING THE ELECTORAL WARDS OF LOWER MORELAND TOWNSHIP IN ACCORDANCE WITH THE MUNICIPAL REAPPORTIONMENT ACT.

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

Zoning Hearing Board Alternate Appointment All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23.

Commissioner Odhner announced that the term of Zoning Hearing Board Alternate member Timothy Weir is set to expire on March 19, 2023. He advised staff will reach out to Mr. Weir to inquire if he is interested in continuing to serve in this role. Commissioner Odhner also advised the second alternate position is currently vacant. Commissioner Hausen asked how someone would indicate their interest to serve on the Zoning Hearing Board.

Review Zoning Hearing Board Agenda & Decisions Commissioner Odhner announced the applications to be heard at the January Zoning Hearing Board meeting and the decisions made at the December hearing.

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

PUBLIC SAFETY COMMITTEE

Civil Service Rules Resolution All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23, a draft resolution, and a copy of the proposed rules and regulations.

Commissioner Canale explained that the Civil Service Commission had recently recommended a series of rule changes based on proposals by Chief Scirroto. Solicitor Rice has prepared a resolution for

the Board's consideration to adopt the updated civil service rules. Chief Scirrotto summarized the suggested changes which he had introduced to the Board in December. There were no questions or comments and on motion and second by Commissioners Canale and Kuritz, the Board of Commissioners approved the following resolution:

Resolution No. 23-04

A resolution of the Lower Moreland Township Board of Commissioners, Montgomery County, Pennsylvania, adopting updated revisions to its Civil Service Commission Regulations

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

HVAA Facilities Use Agreement Amendment All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager dated 1-4-23 and a copy of a facilities use agreement addendum.

Commissioner Canale stated that the Lower Moreland High School construction has impacted the District's field availability so HVAA is requesting use of Elkins Field for a 9v9 soccer field. This would be used as a backup to other Township facilities. There were no questions or comments and on motion and second by Commissioners Canale and Pace, the Board of Commissioners unanimously approved adding Elkins Field to the HVAA Facilities Use Agreement for use through August 2024.

LMPD Discipline Matter All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23.

Commissioner Canale announced the Board met in an executive session to review a personnel matter 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. The 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 Hausen, the Board of Commissioners unanimously accepted Chief Scirrotto's disciplinary recommendation for Officer Vitaliy Kobylyansky.

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

Chief Scirrotto detailed local crime activity encountered over the past month and provided updates on various cases being investigated. The Lower Moreland Police Department, in conjunction with Montgomery County Emergency Services, hosted training for the spouses, family and friends of first responders. On December 11th, LMPD hosted their second annual Ugly Sweater K9 Fun Run to raise money for the K9 unit.

Mark DeGeorge of 2414 Dale Road asked if the Department is having staff issues based on the recent personnel matters.

Fire Marshal Scholly reported on fire response activities and fire investigations by the Huntingdon Valley Fire Company. Last month he attended the County Emergency Management meeting at the fire academy. The group discussed training for next year and the new guidelines for an active shooter response. He also attended a meeting to discuss the County's Incident Support Team. The County is scaling back the membership to 12 members, so he has removed himself from the team due to the sufficient support from surrounding communities. Huntingdon Valley Fire Company was dispatched to a fuel oil spill in a house on Buck Road. A clean-up company was called, and the residents were advised not to stay in the home until the clean-up was completed. Commissioner Sirken asked how quickly the clean-up companies respond to these incidents.

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

PUBLIC PROPERTY COMMITTEE

Elkins Field License Agreement All Commissioners, the Solicitor, and Engineer received a copy of a memorandum from the Township Manager, dated 1-4-23 and license agreement.

Commissioner Hausen reported that Friends Cricket Club is requesting permission to improve the cricket pitch at Elkins Field. This would involve pouring concrete and placing more permanent turf on the cricket pitch. Solicitor Rice prepared a license agreement to allow the club to make the pitch improvements at this public facility.

Commissioner Pace asked for confirmation that HVAA's requested soccer field and the cricket improvements could both fit. Manager Hoffman confirmed that they could. Commissioner Kuritz inquired about specific usage times which Manager Hoffman explained are handled through the use permitting process.

Commissioner Sirken asked if the improvement will be at the Club's expense. Commissioner Odhner asked who will be responsible for maintenance. Solicitor Rice added that paragraph 2.2 should be stricken from the license agreement.

There were no other questions or comments from the Board or public. On motion and second by Commissioners Hausen and Canale, the Board of Commissioners approved the license agreement with Friends Cricket Club for Elkins Field as described and struck paragraph 2.2.

Liaison Report Commissioner Hausen reported that the Township Authority met the prior week and there were no exceedances in the 4th quarter of 2022. Commissioner Sirken asked if there were any exceedances from the Lower Southampton connection point into Lower Moreland.

PUBLIC WORKS COMMITTEE

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 January 25th will be the end of curbside yard waste collections until April. After this date, yard waste can be dropped off at the public works building by appointment. After receiving a few inquiries from residents concerning the utility pole replacement project he reached out again to our government affairs liaison from PECO. She is currently looking into the project status and will provide a schedule of when the project is to be completed including the removal of the old poles. The dugout and fencing project at Lower Moreland Park is proceeding as HVAA's contractor has 5 of the 6 dugouts up. There was a sewer backup on Huntingdon Pike from a small break in the line. We will need to contract out for a better, more detailed inspection to see how repairs can be made. Lastly, he is preparing for Public Works' assistance to the Martin Luther King Day of Service project.

Liaison Report Liaison Report Commissioner Pace had nothing to report.

PUBLIC PARTICIPATION

Commissioner Hausen commended the fire company for all the calls they responded to in December.

Laura Calfayan of 3231 Maple Road suggested the Township utilize social media more frequently.

Adjournment There being no further business to come before the Board, adjournment was in order at 8:48 PM.

Christopher R. Hoffman, Secretary