

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.

Vice President Sirken called the meeting to order at 7:05 p.m. Present were Commissioners Hausen, Canale, Kuritz, Odhner, and Pace; Secretary/Manager Hoffman, Engineer Woodrow, Police Chief Scirrotto, Public Works Director Woerner, Code Enforcement Officer Schadegg, Fire Marshal Scholly, Assistant Manager Lee, Finance Assistant Simmons, and six citizens. Solicitor Rice and several citizens joined via Zoom. The Pledge of Allegiance was recited.

Commissioner Kuritz announced the Board had met prior to the meeting in executive session to discuss a personnel matter.

COMMUNITY DEVELOPMENT COMMITTEE

Extension of Review Period – BET Investments/Philmont & Tomlinson Roads #21-03 All

Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23 and a letter from the applicant's attorney dated 3-29-23.

Commissioner Kuritz stated that review period for the BET proposal is set to expire on April 20, 2023. The Board is in receipt of a letter from Julie Von Spreckelsen on behalf of BET Investments, granting the Board an extension through July 12, 2023. There were no questions from the Board or public and the extension was accepted as submitted.

Extension of Review Period – Capponi/2367 Pine Road #23-01 All Commissioners, the Solicitor, and

Engineer received a copy of a memorandum from the Township Manager dated 4-4-23 and a letter from the applicant's engineer dated 3-8-23.

Commissioner Kuritz advised that the applicant has informed the Board of their intent to pursue an NPDES permit for their stormwater management obligations prior to proceeding with a public review of their two-lot subdivision plan. Their engineer, Chuck Frantz, submitted a letter providing an extension of review through June 13, 2023. There were no questions from the Board or public and the extension was accepted as submitted.

Escrow Release – Westrum/2507 Philmont Ave #19-03 All Commissioners, the Solicitor and Engineer

received a copy of a memorandum from the Township Engineer dated 4-6-23 and a memo from Engineer Woodrow dated 4-4-23.

Commissioner Kuritz summarized Engineer Woodrow's recommendation for the escrow release for the 2507 Philmont Avenue development. Escrow release #8 is being recommended for \$116,835 which will leave a balance of \$285,293.75. Engineer Woodrow added that most of the remaining work is along Philmont Ave which has separate funds held in escrow by PennDOT. Funds continue to be held by the Township for the trail-related improvements as well as contingency.

Commissioner Hausen asked Engineer Woodrow to clarify the escrow being released for landscaping and whether everything was planted in the right location. Mr. Woodrow explained the trees had been planted correctly, however, the developer decided to place a wooden split-rail fence where the plan called for a white vinyl fence. The vinyl fence was instead placed near the rear property line between the railroad tracks and the landscaping. Commissioner Hausen stated she would defer her response to the Dale Road neighbors.

Bill Enriken of 410 Keats Road expressed concern about the plantings near the entrance sign which may block access to the sidewalk entering the property.

Mark DeGeorge of 2447 Dale Road objected to releasing the escrow because he does not think the sitework complies with the land development drawings, particularly the location of the white vinyl fence. Commissioner Pace asked Engineer Woodrow to clarify the fence location. Commissioner Kuritz asked if there is a plan to rectify this change. Engineer Woodrow explained that the neighbors and Westrum had agreed on planting twenty-six arborvitae between the vinyl fence and the railroad tracks. Chuck McDade of 2472 Dale Road provided clarification of Mr. DeGeorge's comments regarding their concerns regarding the order of fencing and landscaping improvements. The neighbors would like plantings between the final row of fencing and the railroad tracks to assist with noise. Engineer Woodrow expressed he would try to accomplish this for the Dale Road neighbors.

Commissioner Odhner asked what can be done to reach a resolution to this matter. Engineer Woodrow expressed the Township can leverage the remaining escrow, particularly the contingency, to accomplish this goal. He thinks that additional plant material could be accomplished with Westrum.

Commissioner Kuritz asked Solicitor Rice if he has any suggestions. Solicitor Rice recommended not including funds for any fencing in the escrow release. Manager Hoffman clarified there is \$9,420 for split rail fencing on the escrow tabulation.

Laura Calfayan of 3231 Maple Road asked who gets to make decisions about changes proposed in the field. Solicitor Rice answered that most changes can be approved by the Township Engineer, though substantial changes would require approval from the Board of Commissioners.

Bill Enriken asked if the vinyl fence was a part of the escrow. Manager Hoffman clarified the split rail fence was included in the escrow and the Township was handling the white vinyl fence through the contingency.

Chuck McDade requested clarification on the SEPTA fence. Engineer Woodrow advised he intends to contact SEPTA.

There were no other questions or comments and on motion and second by Commissioners Kuritz and Canale, the Board of Commissioners unanimously approved the escrow release of \$107,415, omitting the split rail fence.

Building Official's Report All Commissioners, the Solicitor and Engineer received a copy of the Building Official's Report for the month of March 2023. Commissioner Kuritz reported on the Code/Building department's activities. Commissioner Hausen asked Code Enforcement Officer Schadegg to explain how his office is handling code issues at 1503 Grasshopper Road.

Liaison Report Commissioner Kuritz stated that there is no Planning Commission meeting scheduled for April and that she was unable to attend the most recent School District DEI committee meeting. She highlighted upcoming community events such as a Zero Waste Workshop and Earth Day. She added that the Spring Egg Hunt was a success with over 500 participants.

PUBLIC WORKS COMMITTEE

2023 Paving Bids All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23.

Commissioner Pace stated that the Board of Commissioners authorized advertising two bids related to the 2023 paving program at the February meeting. Manager Hoffman provided an update and summary, stating that the first bid is the standard mill and overlay Bid. He said that through the Highway Aid fund balance, the 2023 liquid fuels allocation, and Aqua paving reimbursements, the annual program has a budget of \$654,521. This budget accounts for the annual target of a year-end fund balance of \$300,000 as an emergency repair reserve. Additionally, no local tax dollars are spent on this project.

Manager Hoffman recommended the Board award the 2023 paving bid to Glasgow Inc. in the amount of \$614,820.20, which includes each alternate for Lower Moreland and \$49,885.50 for Bryn Athyn. The second bid is for seal coating in which the township received one bid from Asphalt Maintenance Solutions of Center Valley for \$167,053.70. While the mill and overlay bid left \$39,700 available in the 2023 paving budget, the Manager recommends the Board may reduce its emergency repair reserve to leave an estimated \$172,646 in the Highway Aid Fund.

Bill Entriken of 410 Keats Rd asked how long the seal coating lasts. Public Works Director Woerner stated the provider states 8 to 10 years. This is why staff recommends trying this program to see if it can be incorporated in future years to extend the life of more recently paved roads.

There were no further questions and on motion and second by Commissioners Pace and Canale, the Board of Commissioner unanimously approved the 2023 paving bid awarded to Glasgow Inc. in the amount of \$664,705.70 for the specified streets in Lower Moreland Township and Bryn Athyn Borough.

Next, on motion and second by Commissioners Pace and Canale, the Board of Commissioners unanimously awarded seal coating bid to Asphalt Maintenance Solutions in the amount of \$167,053.70.

Historical Architectural Review Board Appointments All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23 and a proposed resolution.

Commissioner Pace reported that Carol McCann is willing to continue volunteering as a member on the Historical Architectural Review Board. Meanwhile, Richard Schramm advised he would no longer like to serve on the HARB after several terms. There were no questions from the Board or public. On motion and second by Commissioners Canale and Pace, the Board of Commissioners unanimously approved the following resolution:

Resolution No. 23-08

A resolution authorizing the reappointment of Carol McCann as a member on the Historical Architectural Review Board for a term commencing April 19, 2023, and ending April 18, 2027.

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 there is plenty of compost for residents to pick up at the Public Works facility. They continue to perform roadside cleanup on County Line Road, Philmont Avenue and Pine Road based on significantly reduced plowing needs in 2023. He also reported that PennDOT completed signage and marking improvements on Philmont, Manor, Maple and Fisher. Last, Mr. Woerner advised that Pennypack Trust staff had contacted the Township for a potential stormwater improvement project on Longview Drive and bare root trees will be picked up next week for Earth Day planting.

Manager Hoffman asked Engineer Woodrow to provide an update for the Longview Drive Basin/Opti System. Mr. Woodrow stated that the Township had submitted several projects to DEP for pollution reduction obligations, one of which was a basin on Longview Lane. The basin project could be a good first project towards these MS4 obligations because it would increase the size of the waterway openings at the end of the basin and improve water quality. Manager Hoffman explained he authorized Engineer Woodrow to begin the basin upgrade design to take advantage of the program offered by PERT. Commissioner Hausen asked how this would impact the residents on Longview Lane.

Certificates of Appropriateness All Commissioners, the Solicitor and Engineer received a copy of a memorandum from Code Enforcement Officer Schadegg dated 4-5-23.

Commissioner Pace reported on an application of First Citizen Community Bank who seeks permission to implement sign replacements at the former Huntingdon Valley Bank located at 2617 Huntingdon Pike. Sign changes would include a refaced entry sign, refaced ATM sign, a Drive-up teller

sign, a Do not enter/thank you sign, a Do not enter sign and a Façade sign. Signs will have a blue background with white letters and white background and blue letters. Commissioner Kuritz asked if the Huntingdon Valley Bank is gone.

Bill Entriken of 410 Keats Road asked if the lighting on the face of the signs would be changed. Manager Hoffman advised that separate from the HARB review, the signs would also need to comply with zoning regulations.

There were no additional questions or comments and on motion and second by Commissioners Pace and Canale, the Board of Commissioners unanimously approved the issuance of a Certificate of Appropriateness for application 23-02.

The next application was from Kanstantsin Bychak and Lizaveta Saikouskaya of 651 Red Lion Road, who seek permission to construct a Florida Room addition next to the kitchen with a surrounding deck in the rear and side yards. The HARB found the site plan and construction drawings inadequate and not professionally prepared. Setback details are not provided, proposed materials are not provided, paint and colors are not shown nor were windows and doors. The applicant was not in attendance and the HARB did not recommend a certificate of appropriateness be issued at this time. No further action was taken.

Liaison Report Commissioner Pace had nothing to report.

PUBLIC SAFETY COMMITTEE

Huntingdon Valley Library Lease Agreement All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23, and a proposed lease agreement.

Manager Hoffman reported that the lease agreement with the Huntingdon Valley Library is set to expire at the end of April. Director Pam Dull confirmed the Library found the existing terms agreeable. He has prepared an updated lease document keeping the existing terms and simply updating it for a new, 3-year term with one, extension year option. This timeframe should also align well with the Township's facilities planning. There were no questions or comments and on motion and second by Commissioners Canale and Pace, the Board of Commissioners unanimously approved the new lease term for the Huntingdon Valley Library.

LMPD Personnel Matter All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-23.

Commissioner Canale announced the Board met in an executive session to review a personnel matter with Chief Scirrotto. 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 approved the settlement terms in the disciplinary matter involving Sergeant John Pasqueal.

Fire Police Appointment All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23, and a letter from the Huntingdon Valley Fire Company dated 3-6-23.

Commissioner Canale reported that the Board received a request from the Huntingdon Valley Fire Company to nominate Kathy Moore to serve as a member of the Fire Police. The Police Department reviewed local records for Ms. Moore, and Lieutenant Smith confirmed that a local and regional search identified no negative contacts with her, and he is comfortable recommending her appointment. There were no questions from the Board or public and on motion and second by Commissioners Canale and Hausen, the Board of Commissioners unanimously appointed Kathy Moore as a member of the Fire Police.

Police and Fire Marshal Reports All Commissioners, the Solicitor and Engineer received a copy of the police report for the month of March 2023 and the Fire Marshal's report for the month of March 2023.

Chief Scirrotto detailed local crime activity, encountered over the past month, and provided updates on various cases being investigated. This past month the Lower Moreland Police Department began offering free steering wheel locks to owners of 2011-2021 Kia and Hyundai vehicles. These locks, provided free of charge by the vehicle manufacturers, are available for pickup at the police station. An arrest was made in a case reported in January 2022 for inappropriate contact between an adult male and juvenile female.

Fire Marshal Scholly reported on fire response activities by the Huntingdon Valley Fire Company and his own fire inspection/investigation activities. The Fire Company spoke at career day at LMHS. He reported on a spill which entered the Huntingdon Valley Creek which originated in Philadelphia. The Eastern Montgomery County Emergency Management Group met during the month and discussed updating the mutual aid agreement. This will include all first responders and Public Works. Lastly, he reports that the ADT has been in the Police/Admin building to install a new fire alarm system. The system should be online at the beginning of April.

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

ORDINANCE COMMITTEE

Traffic Ordinance Recommendations All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-4-23.

Commissioner Odhner described the traffic-related recommendations from the Traffic Safety Unit. The first item for consideration is a stop sign on Lincoln Drive at Welsh Road. The Board recently approved the Traffic Safety Unit's recommendation to restrict left turns from Inverness Lane onto Welsh Road. Further review identified that there is no stop sign on Lincoln Drive at Welsh Road. With the expected increase of local traffic using this intersection, the TSU analyzed whether a stop sign would be warranted per the Manual of Uniform Traffic Control Devices (MUTCD) standards. Based on

meeting the vehicular volume criteria, it was recommended the Board add this stop sign to the ordinance so a sign may be erected and enforced.

The second item for consideration was a stop sign at Jefferson Lane at Welsh Road. While a sign exists, the sign at Jefferson Lane and Welsh Road was never ordained. Therefore, it is recommended this sign also be added to the ordinance since the same vehicular volume standard is met.

The third recommendation is to consider reducing the speed limit to 25 MPH on Buck Road between Byberry and Bryn Athyn Boundary. The Township received this request from Bryn Athyn Borough and is currently being reviewed by the TSU.

The Commissioners discussion focused on the merits of Bryn Athyn's request to reduce the speed limit. Chief Scirrotto advised that data collected by Bryn Athyn Police Department did suggest a high percentage of vehicles driving at an enforceable speed based on their 25 MPH limit. Manager Hoffman stated the Board could remove a section from the ordinance after it had been advertised if they ultimately decided against reducing the speed limit.

There were no additional questions or comments from the Board or public. On motion and second by Commissioners Odhner and Pace, the Board of Commissioners unanimously approved advertising an ordinance, adding stop signs at the Lincoln Drive and Jefferson Lane intersections with Welsh Road and reducing the speed limit to 25 MPH on Buck Road between Byberry Road and the Bryn Athyn boundary, provided the traffic safety unit recommends doing so.

Zoning Hearing Board Agenda & Decisions Commissioner Odhner announced the applications to be heard at the April Zoning Hearing Board meeting. There were no decisions rendered at the March hearing.

Liaison Report Commissioner Odhner reported on updates regarding the Pennypack Trust.

PUBLIC PROPERTY COMMITTEE

Liaison Report Commissioner Hausen reported that there will be a Township Authority meeting the following evening.

INTERNAL AFFAIRS COMMITTEE

Minutes All Commissioners, the Solicitor and Engineer received a copy of the minutes of March 14, 2023. There were no questions or comments and on motion and second by Commissioners Kuritz and Hausen, the Board of Commissioners unanimously approved the minutes for the month of March 2023.

Bill List All Commissioners, the Solicitor and Engineer received a copy of the April Bill List in the amount of \$1,548,335.28. There were no additional questions or comments and on motion and second by

Commissioners Kuritz and Pace, the Board of Commissioners unanimously approved the Bill List for the month of April 2023.

Comcast Franchise Agreement All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-23, a proposed resolution, a letter from Cohen Law Group dated 3-20-23, and the proposed franchise agreement.

Manager Hoffman summarized the proposed Comcast Franchise Agreement which the Board authorized Cohen Law Group (CLG) to negotiate on its behalf. CLG has completed their negotiations with Comcast for our new agreement and prepared the executive summary for the Board's reference. The new agreement is for 10 years compared to the 5-year agreement with Verizon. There were no questions from the Board or public. On motion and second by Commissioners Kuritz and Pace, the Board of Commissioners unanimously approved the following resolution approving the Comcast Franchise Agreement:

Resolution No. 23-09

A resolution authorizing execution of a cable franchise agreement between the Township and Comcast Cable Communications Management, LLC.

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

Opioid Settlement Authorization All Commissioners, the Solicitor and Engineer received a copy of a memorandum from the Township Manager dated 4-5-23.

Manager Hoffman stated that in December 2021, the Board of Commissioners authorized the Township's participation in settlements with manufacturers and distributors of opioids. Now, a new settlement has been reached with Teva, Allergan, CVS, Walgreens and Walmart. The Township will not receive funds directly, but participating in the agreements will increase funds allocated for Montgomery County. After discussing this with Solicitor Rice, it was recommended the Board again authorize Manager Hoffman to sign the settlement agreement documents. Solicitor Rice added that he and Manager Hoffman have both been receiving documents to sign and the deadline is April 18th. There were no questions from the Board or public. On motion and second by Commissioner Kuritz and Pace, the Board of Commissioners unanimously authorized the Township Manager to sign the national opioid settlement agreement as described.

Administration Report All Commissioners, the Solicitor and the Engineer received a copy of a memorandum from the Township Manager dated 4-5-23, and a memorandum from the Assistant Manager.

Manager Hoffman highlighted three items from his report. First, through the sewer Engineer Mike McRee, the Township did receive three COSTARS-based quotes for relining the Bethayres Pump Station area. This project will be funded with ARPA funds which was included in the 2023 Budget.

Manager Hoffman and Commissioner Sirken met with Jeff Elsing and Vikki Trost on March 21st to continue discussions for the Chief of Emergency Services position. During this meeting, they agreed to proceed with a virtual recruiting proposal from GovHR. They then met with John Storm from GovHR on April 5th to review a proposed timeline for their services. This will allow the position to be advertised the following week. He concluded his report with an update regarding an email from Montco Emergency Services asking to help promote their Montgomery County Fire Chiefs Association recruitment campaign on our social media.

Assistant Manager Lee reported that the annual DCED financial report was completed and submitted by the deadline of April 1, 2023. A preliminary draft of the detailed financial summary is expected to be available towards the end of April after all adjusted entries for 2022 are complete. She also provided updates regarding the IT project to implement the Multi-Factor Authentication for all email and network access. It is expected to be completed by May to follow the Township's Property and Liability insurance requirements. Commissioner Hausen asked about the Montco 2040 grant application for sidewalk construction on Byberry Road.

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, 2023. There were no questions or comments.

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

PUBLIC PARTICIPATION

Pickleball Steve Geiger of 820 Broadmoor Road presented his complaint regarding the Lower Moreland Park pickleball courts which are located close to his home. The Township has previously authorized sound mitigation efforts including installing noise mitigating screens, a time lock to limit hours of play, and arborvitae to screen the courts from view. Mr. Geiger requested the Commissioners either add a building around the courts or remove them due to his experience with the noise.

David Binder of 856 Broadmoor Road stated his support for Mr. Geiger's position.

Gloria Johnson of 808 Broadmoor Road stated her support for Mr. Geiger's position.

Meryl Geiger of 820 Broadmoor Road stated her support for Mr. Geiger's position.

Joe Galdo of 781 Broadmoor Road stated his support for Mr. Geiger's position.

Bill Enriken of 410 Keats Road had suggestions for how to modify the noise mitigating screens.

Commissioner Hausen clarified that the reports Mr. Geiger referenced were published after the Township installed the pickleball courts.

Commissioner Pace stated he experienced the pickleball noise while at the park. He said he understands this is a quality-of-life issue for the neighbors.

Commissioner Odhner inquired if the Board could authorize closing the courts during this meeting. Manager Hoffman and Solicitor Rice advised that first the Board would have to vote to modify the agenda in compliance with the Sunshine Act. On motion and second by Commissioners Odhner and Pace, the Board of Commissioners unanimously voted to amend the agenda to include consideration of the pickleball courts.

Commissioner Kuritz requested two things. First, she asked the Board to consider temporarily closing the pickleball courts. Secondly, she asked staff to prepare a cost estimate to remove the courts and convert them to one additional tennis court. On motion and second by Commissioners Kuritz and Odhner, the Board of Commissioners unanimously authorized temporarily closing the pickleball courts and to get pricing to convert the courts back to tennis.

Other Public Participation

Chuck McDade of 2472 Dale Road asked about the LERTA timing for the Crescent Fields senior living facility.

Hillary Lineman of 3511 Brae Bourn Drive requested sidewalks be installed along a greater linear footage of Byberry Road.

Executive Session Commissioner Kuritz announced the Board would be meeting in executive session to discuss legal matters.

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

Christopher R. Hoffman, Secretary