

**Upper Moreland Township
Board of Commissioners - Regular Meeting
August 5, 2019 Meeting Minutes**

Board of Commissioners Members: Commissioner and President, Kevin C. Spearing; Commissioner and Vice President Charles M. Whiting; Commissioners R. Samuel Valenza, Joseph A. Lavallo, Kip McFatrige, Nicholas O. Scull and Cheryl Lockard

- I. **Call to Order:** The Regular Meeting of the Board of Commissioners of Upper Moreland Township was called to order by the President of the Board of Commissioners, Kevin C. Spearing at 7:00 p.m.
- II. **Moment of Silent Meditation/Pledge of Allegiance**
- III. **Roll Call:** Commissioner and Board President Spearing, Commissioners Lavallo, Whiting, Valenza, Scull and Lockard. Absent: Commissioner McFatrige. Also present were David A. Dodies, Township Manager, and Sean Kilkenny, Township Solicitor.
- IV. **Presentations/Announcements:**
 - A. Commissioner Spearing announced that the Board of Commissioners met in Executive Session on July 24, 2019, July 25, 2019 and July 29, 2019, to discuss personnel matters.
 - B. Presentation of plaque to Detective Maureen Kund from the Police Benevolent Association in recognition of her thirty-five (35) years of dedicated service to the residents of Upper Moreland Township upon her retirement.
 - Detective Frank Gallagher commended Detective Kund on her many years of outstanding service to the Township's Police Department and presented her with a plaque for her retirement.
 - Commissioner Spearing expressed thanks and well-wishes to Detective Kund.

PUBLIC HEARING

- Commissioner Spearing announced Public Hearing #1948 - Ordinance No. 1703 - to consider an ordinance repealing the Township's Occupational Privilege Tax Ordinance and enacting a Local Services Tax Ordinance.
- Commissioner Valenza made a motion, seconded by Commissioner Scull and the Board of Commissioners approved by a vote of 6-0 in favor to open Public Hearing #1948.
- Mr. Kilkenny read a description for the purpose of the Public Hearing.
- Public Hearing #1948 was held.
- Commissioner Valenza made a motion, seconded by Commissioner Scull, and the Board of Commissioners approved by a vote of 6-0 in favor to close Public Hearing #1948.

REGULAR MEETING

- V. **Public Comments** - nothing to report.
- VI. **Treasurer's Activity Report – July 2019** - The Treasurer's Activity Report was unanimously approved as submitted.
- VII. **Approval of Minutes - July 8, 2019:** The minutes were unanimously approved as submitted.

VIII. **Committee Recommendations:**

A. **Finance & Administrative Committee:**

1. **Appointments/Reappointments** - The Committee recommends the Board of Commissioners take action on the following:
 - a. The appointment of Jack Dunleavy, Sr. to the Civil Service Commission to fill an alternate vacancy left by Stephen Martin and complete the remainder of the current term that will expire on August 7, 2023.
 - The Board of Commissioners approved by a vote of 6-0 in favor, the appointment of Jack Dunleavy, Sr. to the Civil Service Commission to fill an alternate vacancy left by Stephen Martin and complete the remainder of the current term that will expire on August 7, 2023.
2. **List of Bills Payable** - The Board of Commissioners approved by a vote of 6-0 in favor, the List of Bills as submitted.
3. **Aqua General Funds Bills** - The Board of Commissioners approved by a vote of 5-0 in favor; and one (1) abstention (abstention by Commissioner Spearing, Aqua employee).
4. **Other Items:**
 - a. **Ordinance No. 1703** - Repealing the Township's Occupational Privilege Tax Ordinance and enacting a Local Services Tax Ordinance
 - The Board of Commissioners approved by a vote of 6-0 in favor, Ordinance No. 1703 repealing the Township's Occupational Privilege Tax Ordinance and enacting a Local Services Tax Ordinance.
 - Commissioner Valenza commented that the Local Services Tax is utilized by municipalities across Montgomery County.
 - b. Commissioner Valenza announced that the August 19, 2019, Finance & Administrative Committee Meeting is canceled.
5. **New Business** - nothing to report.

B. **Community Development Committee:**

1. **Code Enforcement** - nothing to report.
2. **Land Development/Subdivision Applications:**
 - a. **Resolution R-2019-20** – Granting a conditional waiver of Land Development Approval for applicant, Carr & Duff, Inc. to construct a 20-foot wide stone driveway to provide access between the properties located at 2100 Byberry Road and 3625 Davisville Road.
 - Commissioner Lavalley reviewed two significant conditions in the waiver regarding these items: (3) an easement from tax parcel owner of 3615 Davisville Road prior to construction, and (4) written approval prior to construction from Sunoco for the proposed stone driveway including necessary appropriate industry-standard installation details and information to be located within its existing 50-foot wide easement, which is for the subsurface infrastructure improvement to prevent a fracture in the gas pipeline.
 - Commissioner Lockard commented that the applicant did not follow the required procedures prior to initiating their project.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
August 5, 2019 Meeting Minutes**

- Lynnette Saunders, Chair of the Environmental Advisory Committee, commented that this is an opportunity to use native trees and plants in the landscaping and Commissioner Spearing agreed.
 - The Board of Commissioners approved by a vote of 6-0 in favor, **Resolution R-2019-20**, granting a conditional waiver of Land Development Approval for applicant, Carr & Duff, Inc. to construct a 20-foot wide stone driveway to provide access between the properties located at 2100 Byberry Road and 3625 Davisville Road.
- b. **Resolution R-2019-21** – Approving an agreement to permit the use of an area within Upper Moreland Township’s Right-of-Way for the placement of a retaining wall located at 4205 Shoemaker Road.
- Commissioner Lavalley reviewed two significant conditions in the waiver regarding items: (2) a stained veneer with a capped block attached to the wall approved by the Township, and (3) a detailed plan, signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania.
 - Mr. Dodies and the Board discussed additional items of concern provided in correspondence from James Hersh, Township Engineer, that include alignment of the sidewalk across the existing driveway and removal and replacement of a portion of the cobblestone driveway to comply with ADA requirements. Commissioner Spearing stated the Community Development Committee also agreed to allow only a three-foot wall.
 - Carrie Nase, Esquire, of Fox Rothschild LLP, stated that the applicant has agreed to reduce the wall to three-feet, remove the cobblestone material and construct the driveway to the satisfaction of the Township's consultants.
 - Commissioner Lockard commented concerns on the applicant not following appropriate procedures, sidewalk alignment and egress from the sidewalk.
 - Commissioner Spearing commented concerns that the resolution should address the specific work to be completed prior to approval by the Board of Commissioners.
 - Commissioner Lockard inquired on the drainage issue noted by the Township Engineer. Ms. Nase stated that the Township will have the right to perform inspections and the applicant will be required to make changes if necessary.
 - Bill Weissner, a resident who lives directly across the street from the applicant, stated his discontent with the resolution and that the applicant performs work after hours and on weekends disregarding Township regulations.
 - Commissioner Lockard commented that the applicant probably would not have received the Township's approval prior to construction.
 - Mr. Kilkenny reiterated the conditions of the resolution.
 - Commissioner Lavalley read amendments to be included in the resolution.
 - Commissioner Lavalley motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 5-1 in favor, (five (5) in favor: Commissioners Scull, Lavalley, Spearing, Whiting and Valenza; one (1) opposed: Commissioner Lockard), **Resolution R-2019-21**, approving an agreement to permit the use of an area within Upper Moreland Township’s Right-of-Way for the placement of a retaining wall located at 4205 Shoemaker Road. This resolution will be modified to include the maximum height of the

**Upper Moreland Township
Board of Commissioners - Regular Meeting
August 5, 2019 Meeting Minutes**

wall to be no taller than three feet, make driveway apron and sidewalk ADA compliant and to submit all plans within 60-days from issuance of permit.

- c. **Resolution R-2019-22** – Granting a conditional waiver of Land Development Approval for applicant, Piazza Family, LP to construct improvements to the car dealership located at 900 S. York Road.
 - Commissioner Lavalley reviewed the request and discussed condition #3 of the waiver regarding water quality inserts provided by the applicant that meet the specifications of the Township Engineer. Ryan Jennings, Esquire at Buckley Brion McGuire & Morris LLP, stated that there will be an overall reduction in the impervious surface coverage based on the plan that was discussed at the July 15, 2019, Community Development Committee Meeting.
 - The Board of Commissioners approved by a vote of 6-0 in favor, **Resolution R-2019-22**, granting a conditional waiver of Land Development Approval for applicant, Piazza Family, LP to construct improvements to the car dealership located at 900 S. York Road.
3. **List of Upcoming Zoning Hearing Board Applications:**
 - Commissioner Lavalley announced there is no Zoning Hearing Board meeting in August.
4. **Other Items:**
 - Commissioner Lavalley announced that there will be a Community Development Committee Meeting on August 12, 2019 at 7:00 p.m.

C. Parks & Recreation Committee:

1. Upper Moreland Soccer Club Recommendation – The Committee recommends approval of the proposal by the Upper Moreland Soccer Club to purchase and install a new lighting control box to be paid for by the Soccer Club, subject to the conditions set forth in the memorandum from the Upper Moreland Parks and Recreation Advisory Council and Patrick T. Stasio, dated July 15, 2019.
 - Commissioner Scull motioned, seconded by Commissioner Lavalley and the Board of Commissioners approved by a vote of 6-0 in favor, the proposal by the Upper Moreland Soccer Club to purchase and install a new lighting control box to be paid for by the Soccer Club, subject to the conditions set forth in the memorandum from the Upper Moreland Parks and Recreation Advisory Council and Patrick T. Stasio, dated July 15, 2019.
2. Commissioner Scull announced that the August 19, 2019 Parks and Recreation Committee Meeting is canceled.

D. Public Health & Safety Committee:

1. **Resolution R-2019-23** – Accepting the resignation of Detective Maureen Kund from the Upper Moreland Township Police Department upon her retirement on August 5, 2019.
 - Chief of Police, Michael Murphy, stated that he has worked with Detective Kund for many years, she is an exemplary employee, an asset to the community and will be missed by everyone.
 - Commissioner Whiting motioned, seconded by Commissioner Lavalley and the Board of Commissioners approved by a vote of 6-0 in favor, **Resolution R-2019-**

**Upper Moreland Township
Board of Commissioners - Regular Meeting
August 5, 2019 Meeting Minutes**

23, accepting the resignation of Detective Maureen Kund from the Upper Moreland Township Police Department upon her retirement on August 5, 2019.

- IX. **New Business** - Nothing to report.
- X. **Commissioner Comments:**
 - Commissioner Whiting announced that the August 19, 2019, Public Health & Safety Committee Meeting is canceled.
- XI. **Visitor Comments** - Nothing to report.
- XII. **Adjournment:** There being no further business to discuss, the meeting was adjourned at 8:00 p.m.

Respectfully submitted by Kathleen Kristire.