

The stated meeting of the Committee of the Whole of the Board of Commissioners of the Township of Abington was held as a Zoom webinar and teleconference on Thursday, January 14, 2021 with Vice President Hecker presiding.

CALL TO ORDER: 7:53 p.m.

PRESENT: Commissioners THOMPSON, BRODSKY, BOLE, CARSWELL, ROTHMAN, VAUGHN, MYERS, ZAPPONE, BOWMAN, DiPLACIDO, WINEGRAD, VAHEY, SCHREIBER, HECKER, SPIEGELMAN

CONSIDER APPROVAL OF MINUTES:

Vice President Hecker made a MOTION, seconded by Commissioner Vaughn to approve the minutes from the Board of Commissioners Committee of the Whole Meeting of December 10, 2020.

MOTION was ADOPTED 15-0.

PRESENTATIONS:

Presentation on the Impact of the Pandemic on Policing:

Chief Molloy said at the beginning of the pandemic, there were so many unknowns and the concern was how to protect our officers. Changes were made such as developing an online reporting system; change in how we respond to medical calls; officers who were exposed were quarantined so as not to impact operations; and due to protocols put in place, there was no officer-to-officer transmission of COVID-19 during the past several months.

Data showed an uptick in disputes, domestic violence, mental health, and child custody calls doubled. Child abuse calls decreased by over 400% because those who report it are from outside the home and because there was lockdown that is why that number is less. Also, the department has a needy family fund, and each year we may help 40 families, and this past year, we helped 72 families with payment for utilities or groceries. The Community Policing Division along with Commissioner Schreiber organized a food-drive that helps food cupboards in the Township and there was a demand for it.

Chart showed an increase in calls for service that were mental health-related and domestic violence. There is a program called “Lethality Assessment,” which is a tool that is evidence-based to help ID victims of domestic violence who may become victims of escalated violence and we connect victims with the Domestic Violence Women’s Support Service for purpose of intervention. Also, the department has operated the HUB since 2015 and the department started a new program called the “Bridge Program” where a professional psychologist works with the Community Policing Division and identifies calls for service where intervention is needed.

There were 17 peaceful protests planned by student organizers who met with the department’s Command Staff resulting in successful protests in remembering George Floyd, and there were no acts of violence during any demonstrations.

Also, he is proud of the work in how the department’s Command Staff and supervisors organized their response to previous credible threats in the Township and the police are well-prepared to deal with any threats in the future. The department activated Mutual Aid Response to assist officers in Philadelphia, Cheltenham Square Mall, and in King of Prussia.

Policies were amended and created regarding banning chokeholds; duty to intervene; and no-knock warrants as well as expansion of the Less Lethal Weapon Program. Additionally, there was de-escalation training, fair and impartial training, and implicit bias training. There is also the Early Warning System where officers are reviewed for possible intervention. All policies and procedures have been posted on the department’s website including information on how to make a complaint about officers as well as commend them. The department has been able to meet some of the requested reform throughout our community, but there is always more to improve on.

Vice President Hecker expressed his gratitude and on behalf of the Board of Commissioners, and he thanked Chief Molloy and his Command Staff and all members of the Abington Police Department for their work throughout the pandemic and always. He asked for any comments from Commissioners.

Commissioner Schreiber thanked Chief Molloy for providing a thorough and concise presentation and she thanked all the police officers. Programs such as the HUB have been copied by other departments, which is something to be commended.

Commissioner Vaughn thanked Chief Molloy for his assistance to her as a new Commissioner and always being available to answer any questions.

Commissioner Bole thanked Chief Molloy and Deputy Chief Warner and their staff for their willingness to have difficult discussions in the wake of George Floyd’s murder.

Commissioner Rothman said he appreciates that Chief Molloy acknowledged that there is always more to improve on and what the police department has done over the course of the year is amazing and astounding, and he thanked them for it.

Commissioner Thompson echoed sentiments made by his fellow Board members, and he gave a special thanks to Chief Molloy and his staff for their kindness, dignity and compassion extended to the residents of Ward 6 and for going above and beyond for everyone in the Township.

Presentation - Comprehensive Plan Update:

Vice President Hecker announced that this presentation has been moved to the February meeting.

Presentation - Clean Energy Transition Plan, Climate Action Plan and Regional Greenhouse Gas Initiative:

Ms. Cakky Evans, member of the EAC, said in June 2019, the Board of Commissioners adopted a “Ready for 100” resolution. Presentation tonight will be about the clean energy transition plan; climate action plan and the regional greenhouse gas initiative, which are essential to the goals of the “Ready for 100” resolution. First phase of the clean energy plan will focus on municipal operations and then widespread community engagement will assist in developing a climate action plan that will begin in the spring.

Newly created Abington Clean Energy Plan Team (ACEPT) consisting of EAC members will begin working on the first phase focusing on municipal operations to reduce operating costs, energy and fleet procurement, efficiency gains and renewable energy options. Second phase will be to create a community-wide clean energy plan. Training was held virtually and now they are in the process of identifying key decision-makers and stakeholders to move onto other components. Feedback from the Board of Commissioners is needed to properly rank and prioritize goals and to establish important criteria weighted by consensus including ongoing dialog. The most challenging goal will be to transition Township’s fleet to electric vehicles by the year 2030 as savings are significant.

Pennsylvania has a climate action plan and Abington Township was selected as one of 20 communities by the Department of Environmental Protection’s Energy Office for local climate action program, which provides technical assistance, and a Drexel student who is working with the EAC just completed a 2018 greenhouse gas inventory. Also, we would like to inform the Board of Commissioners and their constituents that widespread community engagement will assist in successfully developing a climate action plan, and when it is finalized it will be presented before the Board of Commissioners for adoption.

There is a need for the State of Pennsylvania to join RGGI (Regional Greenhouse Gas Initiative) because the electricity sector is the second leading source of greenhouse gas emissions in Pennsylvania. States that have already participated since 2005 have reduced their pollution by 45% and it would also provide health benefits. She thanked the Board for providing the opportunity to take Abington into sustainability and beyond.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Schreiber questioned whether this is connected to the STAR program.

Ms. Evans replied yes. The EAC's sustainability initiatives is the climate action plan as well as the clean energy plan and the STAR program has become part of the U.S. Green Building Council's LEED for Cities Program in which a grant was awarded, so by accomplishing these two milestones, it will position the Township for the LEED for Cities certification that is due by the end of this year.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Lora Lehmann, resident, expressed concern about the amount of public speaking time; also, she is opposed to a residential rental license permits ordinance and she is opposed to the land development application of Baederwood Residential Partners, L.P.

Walter Draving, resident, expressed concern about the amount of public speaking time.

LaDonn Marsh, resident, commented that Salem Baptist Church would be happy to support the clean energy transition and climate action plans for the Township. Also, he thanked Chief Molloy noting that it is important to be active with our local police force and we are happy to have PAL return when we get back to normal.

Roberta Brunner, former resident of Abington Township and member of the League of Women Voters of Abington, Cheltenham, and Jenkintown, recommended that the Board of Commissioners support RGGI, and she thanked Cakky Evans for her presentation.

Henry Geyer, resident, commented that he appreciates everything that the EAC has done, and he asked the Board to consider adopting it.

Mary Felley, resident, thanked the EAC for their work. She is encouraged to see that Abington is considering a climate action plan and urged the Board of Commissioners to sign a letter in support for the State of Pennsylvania to join RGGI.

Ayanna Laney-Martin, resident and member of the Willow Grove NAACP, asked the Board to support the clean energy transition and climate action plans.

Kenneth Feinour, resident, thanked Chief Molloy for his time and effort that he put into this past year and the challenges that he so ably dealt with. He commended the Board of Commissioners for making it a priority to consider the climate action plan and supporting the regional greenhouse initiative as Co2 is the issue when it comes to climate change. He also commended Cakky Evans and the EAC for their work on developing a clean energy transition plan and continue having Abington as a leader within the Commonwealth of Pennsylvania.

UNFINISHED BUSINESS:

Consider and discuss and ordinance to create and enact Chapter 130 “Residential Rental License Permits:”

Commissioner Thompson said he will make a motion to table this matter as over the past several weeks he has been working with Township Solicitor and the Fire Marshal as well as getting feedback from various stakeholders within the Township. Some of the language of the ordinance has been updated and has not yet been circulated to the Board, and due to the amount of public feedback and until their concerns are addressed, this item should be tabled.

Commissioner Thompson made a MOTION, seconded by President Spiegelman to TABLE this agenda item.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Carswell commented that she appreciates the thought and energy that Commissioner Thompson has put into this and his interest to include more voices in the process. This originated with the idea to protect residents and this process deserves more attention, and she thanked him for it.

MOTION was ADOPTED 15-0.

NEW BUSINESS:

Consider submitting a letter of support regarding the Regional Greenhouse Gas Initiative (RGGI) to the Pennsylvania Environmental Quality Board (PEQB):

Vice President Hecker made a MOTION, seconded by Commissioner Vahey to move this agenda item forward to the Board of Commissioners Regular Meeting of February 11, 2021.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Rothman said there are certain dynamics of the future that are bleak in terms of climate change and there is a lot we can do to help, and he thanked the EAC and Cakky Evans for their work. He encouraged his fellow Board members to support this and do what we can to be part of it and the initiatives moving forward.

Commissioner Thompson also thanked Cakky Evans and the EAC for their presentation including the background on what this initiative entails as well as for offering advice to the Comprehensive Plan Development Team. He wholeheartedly supports this initiative, and it behooves us as a Township and as leaders to figure out how best to move our community and environment into the future so there is one for our children.

MOTION was ADOPTED 15-0.

Consider Baederwood Residential Partners, L.P. – Land Development Application:

Vice President Hecker called on Solicitor Clarke.

Solicitor Clarke explained that this is the second phase of a project that came before the Board about seven or eight years ago, which is the proposed residential component in the back of the shopping center. The applicant has been through the conditional use process and was granted approval by the Board of Commissioners, and at that time, an issue was raised regarding the SALDO's requirement for a secondary access for fire protection.

The applicant's plan originally showed one access, so the applicant attempted to secure a secondary access from a neighboring property owner but was unsuccessful. Also, there was discussion regarding the Township attempting to secure a secondary access from the neighboring property owner including if there was any cost to the Township, the applicant would reimburse the Township for any expenses in acquiring that access.

Ultimately, the Board of Commissioners declined to take the steps to acquire that secondary access from the neighboring property owner, so the applicant then engaged a fire safety expert who worked with the Township's Fire Marshal John Rohrer, and in turn, Fire Marshal Rohrer worked with the Township's Fire Department's Fire Chiefs to address the issue of a secondary access.

So now what the applicant is proposing satisfies the Fire Marshal as well as the Fire Chiefs that the secondary access, while preferred, is not needed at this time. Fire Marshal Rohrer indicated that he would like the applicant to continue to secure a secondary access, which would be the best situation, but he is not opposed to the waiver from SALDO for a secondary access and that needs to be granted by the Board of Commissioners.

This is presented before the Board tonight as a land development application and the plans have been reviewed by Township Engineer and all Township consultants who issued review letters. The applicant will make a presentation on the land development application and the main issue before the Board this evening other than approving the land development application would be whether to grant the waiver from requirement for a secondary access.

Mr. Marc B. Kaplin, Esquire, representing the applicant, said when the applicant received conditional use approval, they pointed out to the Board that the only way to get a secondary access was through Noble Town Plaza and despite our efforts in getting reps of Noble Town Plaza to provide a minor access easement, we could not get it. There were multiple meetings with Township staff regarding the issue of a secondary access and his clients then decided to try and find another way to satisfy the Fire Marshal and Fire Chiefs. So, we hired a fire safety consultant, and ultimately the fire safety consultant, the Fire Marshal and Fire Chiefs agreed on the multiple changes that were suggested, and the Fire Marshal signed off in a series of emails.

The plan has been updated to solve existing problems along the Fairway with pedestrians crossing by installing two traffic lights with crosswalks at the cost of the applicant. The entrance into the shopping center and apartments was refined and access to the apartments was modified to insure access of emergency vehicles. The shopping center was sold, and the new owner agreed with Brandolini and Pennoni to reconfigure the access going to Whole Foods so there would be a controlled access as shown in the revised plan. The revised plan has been reviewed by Township's engineering consultant noting cleanup items in which the applicant will comply.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Winegrad said he understands there is a requested waiver from SALDO; however, there have been changes made to the plan that were reviewed by the Township's engineering consultant. Is that correct?

Mr. Kaplin replied yes. The change in the plan is to implement comments of the fire safety consultant; tweaking of parking isles and create a controlled lane going back to Whole Foods.

Commissioner Winegrad said he would like to see the recent review letter from the Township's engineering consultant, and it should also be provided to the full Board of Commissioners as well as the public.

Mr. Kaplin continued that the applicant is requesting for this matter to be placed as an agenda item next month.

Commissioner Winegrad said after review of the previous conditional use hearing, the Fire Marshal indicated that the secondary access was necessary, and now the applicant's fire safety consultant indicated that it is o.k. not to have an easement. The Board of Commissioners needs to review all recent documents and fully vet it perhaps through the Land Use Committee.

Mr. Kaplin replied the applicant hired a fire safety consultant who issued a letter and had multiple dialogs with the Fire Marshal, and they agreed to a significant number of internal fire protection changes in the project. Then the Fire Marshal indicated to the applicant to try and continue to get the interconnection but was o.k. with the applicant providing the necessary fire protections, and yesterday's email from Fire Marshal Rohrer indicated that he is satisfied. Also, and the applicant would be happy to go before the Land Use Committee.

Commissioner Vahey said he supports referring this matter to the Land Use Committee. He finds it annoying that the applicant has requested relief one after another and he is tired of hearing it and being forced to decide whether to approve it, and he is not convinced to grant this waiver. The only reason why it is impossible to develop this parcel without a waiver is because the applicant purchased a lot that is landlocked, and that is not the Township's problem. The applicant needs to prove to the Board why this is necessary, and he looks forward to hearing the presentation next month.

Commissioner Thompson shares Commissioner Vahey's frustrations as the SALDO is clear that a building taller than three-stories requires a second means of access and proposed building is four-stories. Although the International Fire Code only suggests two means of access; the Township's SALDO requires it, and it falls on the Board of Commissioners to make decisions on the health, safety, and welfare and whether to grant the waiver for this developer on this project. He fully supports moving this item onto the Land Use Committee for further vetting, and he looks forward to seeing Mr. Kaplin and his team at that meeting.

Commissioner Brodsky agreed with Commissioner Winegrad that the Board of Commissioners should see the recent review letters, and until that is provided, he will take no action, and he also agrees in part with Commissioner Vahey. He would not refer this to Land Use Committee until there is review and hold it in Committee of the Whole until there is further discovery.

President Spiegelman commented that we could get those review letters in time for the Land Use Committee meeting, and although he knows this has been a long process, he would like time to review proposed changes to the Fairway, so for the greater good of everyone including the applicant, he would refer this to the Land Use Committee for a heavy drilldown.

Commissioner Thompson asked about for the deadline on the application.

Solicitor Clarke replied there are no more extensions, so the understanding with the applicant is that this matter would be placed on tonight's agenda and then it would move forward to Land Use Committee or the Board of Commissioners for a vote.

Commissioner Bowman commented that he remembers that the Fire Marshal indicated that with the building as constructed he could fight a fire, and although the Fire Marshal would like to have the access road, it is not necessary; however, he does support moving this item to the Land Use Committee.

President Spiegelman made a MOTION, seconded by Commissioner Bowman to move this agenda item to the Land Use Committee meeting on February 3, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss the approval of the Hunter Soccer Club Land Development application to construct a new synthetic turf field at Penbryn Park:

Vice President Hecker called on Manager Manfredi.

Manager Manfredi explained that Bill Manchester of Hunter Soccer Club presented the idea for a turf field in a Township park and was given approval to proceed with the land development process. This is the applicant's formal land development application for this project.

Mr. Bill Manchester introduced Mr. Hugh Cadzow, Landscape Architect and Ms. Elizabeth Baldwin, P.E. with ELA Sport Group, representing the applicant.

Mr. Cadzow presented the site plan showing existing conditions; the layout plan showing the youth field, a concrete pad for pedestrian access to the field and an access driveway with proposed chain and bollard fence across it. Grading and stormwater plan was presented showing stormwater system underneath the field and the applicant received an NPDES approval. All comments made by the Township's Planning Commission have been met and they approved waivers requested by the applicant that relate to surveying of the entire park.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Thompson said he fully supports this project and would like to see it move forward to the Board of Commissioners meeting and he asked for the Board's support. Also, he agrees with the applicant's request for the waivers.

Commissioner Winegrad questioned whether the facilities license agreement between the Township and Hunter Soccer Club was ever signed. Also, how will Hunter Soccer Club pay for the turf field?

Mr. Manchester replied yes, the agreement was signed. Hunter Soccer Club raised funds and will be getting a bank loan and by renting it out will enable the club to pay back the loan.

Commissioner Thompson made a MOTION, seconded by President Spiegelman to move this agenda item forward to the Board of Commissioners Regular Meeting on February 11, 2021.

MOTION was ADOPTED 15-0.

ADJOURNMENT: 9:43 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary