The stated meeting of the Abington Township Board of Commissioners Committee of the Whole was held as a Zoom webinar and teleconference on Thursday, March 11, 2021 with Vice President Hecker presiding.

CALL TO ORDER: 7:05 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 Thompson to approve the minutes from the Board of Commissioners Committee of the Whole Meeting of February 11, 2021.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bowman commented that he likes the minutes, which are the same as he has seen over the many years of reading them and they succinctly capture what various people say in these meetings, and he does not see any need to amend the way the minutes are done.

MOTION was ADOPTED 15-0.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Lora Lehmann, resident, expressed concern about "not getting notice of meetings for the Rothley Avenue item," and about Molly Court and its "unresolved water issues."

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Consider approving an extension for the agreements (C000064042 and C000070588) by and between the Department of Community & Economic Development for the Multimodal Transportation Fund Grant that supports the Old York Road/Susquehanna Road project until June 30, 2022:

Manager Manfredi explained that regarding the DCED and multimodal grants for the Old York/Susquehanna Road project; due to the pandemic, we have not taken any steps to move forward with that project in terms of engineering, design, and demolition, so we need to request an extension as we will not meet the current June 30, 2021 deadline. This request will be submitted to the State for another year to proceed when the pandemic ends.

Vice President Hecker asked for any comments from Commissioners.

President Spiegelman asked the Board to consider approving this extension and moving this item directly to the consent agenda of the next Board of Commissioners Regular Meeting.

Commissioner Bole noted that the letter requesting extension has an incorrect date of May 12, 2020 and should be revised to June 30, 2022.

President Spiegelman made a MOTION, seconded by Commissioner Bole to move this agenda item forward to the Consent Agenda of the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss a Resolution adopting an extension to the existing Intergovernmental Agreement (IGA) for the continued participation in the Wissahickon Clean Water Partnership for 2021:

Mr. George Wrigley, Director of W.W.T.P., explained that this is a continuation of the work that he and his staff have been doing along with other municipalities regarding the Wissahickon Creek Watershed. This is renewal of agreement with a shorter term as the project is further along in preparing a water quality improvement plan, which has been submitted to EPA and DEP for review, and it will be revised to address their comments. Hopefully, by the third or fourth quarter, we will have an approved plan to bring before the Board of Commissioners as well as the other municipalities for approval.

Vice President Hecker asked for any comments from Commissioners. There were none.

Commissioner Zappone made a MOTION, seconded by President Spiegelman to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Ratify the extension of the agreement for recycling services with J.P. Mascaro & Sons, dated October 22, 2015, for an additional period of six (6) months with certain price changes for certain services and concurrently approve Resolution No. 20-048 as approved by other Montgomery County participating municipalities:

Manager Manfredi said the Township has an existing agreement with J.P. Mascaro through the consortium, which has been negotiated; however, due to the pandemic, they need more time and have requested another six-month period.

Mike Jones added that we are working with a consultant and studies are underway, and by the end of the six-month period, we hope to have a recommendation to bring before the Board of Commissioners.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Vahey clarified that this is a separate issue from the potential lease of facility on Fitzwatertown Road. Is that correct?

Manager Manfredi replied yes.

Commissioner Zappone made a MOTION, seconded by Commissioner Vahey to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss a Resolution recognizing the month of April 2021 as Pennsylvania Safe Digging Month:

Manager Manfredi said this is an annual campaign and the Township was requested to assist with this public awareness program for safe digging.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Zappone clarified that this in conjunction with the PA One Call System. Is that correct?

Manager Manfredi replied yes.

Commissioner Zappone made a MOTION, seconded by Commissioner Thompson to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss authorizing advertisement for an Ordinance accepting the dedication of Molly Court Roadway Right-of-Way:

Commissioner Rothman assured the Board and the public that he feels comfortable with moving this matter forward.

Manager Manfredi added that the issues expressed by residents of Molly Court relate to stormwater drainage, but the road dedication is a separate issue. Stormwater management requirements pertaining to Molly Court will be addressed through the various approvals granted through the development process, and the Molly Court road right-of-way dedication is limited to just the road.

Mr. Khaled Hassan, Township Engineer, agreed.

Commissioner Rothman continued that he does not have any concerns with moving Item e. of the agenda forward.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Brodsky commented that he believes there is potential for a tie-in between Meinel Road and Molly Court and he would be uncomfortable moving this forward until he has time to clarify certain items that would be of concern to his constituents. What is proposed for Molly Court is the same as what is proposed for Meinel Road, and he does not want to set a bad precedent by approving the Molly Court item when the same exact issue exists on Meinel Road. He clarified that they are different issues concerning stormwater management. Is that correct?

Mr. Hassan replied that is correct. The difference is that there is no stormwater facility within Molly Court, and there is a stormwater underground facility on Meinel Road itself.

Commissioner Schreiber clarified that this is not an actual approval but a vote to send the matter to the Board of Commissioners Regular meeting or some other committee, so there would be time for any concerns to be addressed. Is that correct?

Vice President Hecker replied that is correct.

Manager Manfredi added that this agenda item is specific to the dedication of the road at Molly Court and nothing more. There was concern from residents indicating that they did not know that the road was a separate issue from stormwater management, which is being reviewed by Mr. Hassan.

Commissioner Vahey clarified that the next step would be to vote on advertisement of an ordinance, and that would not come before the Board of Commissioners until May at the earliest, so this is very preliminary in the process.

Commissioner Brodsky clarified that he understands those who have simplified the issue; however, he wants to be sure that we are not setting a bad precedent that could impact a different issue in his ward and the Board may be bound to what was done in this matter even though Township Engineer indicated it may be different.

Commissioner Myers said she understands the process; however, it would behoove the Board to have this item discussed at the next committee meeting because it is possible that most of us do not really know where Molly Court is located; also, to be sure that we understand what we are voting on. We have not been sending items to committee, and in some cases, that is a mistake.

Commissioner Brodsky noted that Molly Court is located on the border of Wards 2 and 3 and he encouraged his fellow Board members to visit the sites of both projects.

Commissioner Rothman commented that he does not have a problem with the Board looking into this further if there are concerns, but the miscommunication was clarified. However, if we need more time, then he does not have any problem with moving this item to committee.

Commissioner Bowman commented that if the miscommunication was clarified, he would be in favor of moving this item to the Board of Commissioners Regular meeting and not to committee, which is why we have the Committee of the Whole meeting. The idea was always for Molly Court to be dedicated, which was previously approved.

Commissioner Rothman agreed with Commissioner Bowman, but if there is actual concern, he does not want to stand in the way of collaboration.

Commissioner Thompson noted that the motion tonight is to recommend advertising for the Board of Commissioners to consider.

Commissioner Myers commented there are residents with concerns, and in committee, it is much easier to speak on individual items in helping those to understand. She feels the Board is getting away from holding committee meetings and they were always the true working meetings.

Manager Manfredi suggested that if this is moved to the Board of Commissioners Regular meeting next month, we can provide an overview of the land development that was previously approved regarding the road dedication for consideration of advertising the ordinance. If there is still not enough information, the Board could then send it to committee.

Mr. Hassan note that if the Board would like to move this forward to the Board of Commissioners Regular meeting, he will provide his opinion in writing to Manager Manfredi pertaining to any drainage issues as well as the street dedication prior to that meeting.

Commissioner Brodsky said he understands that the Board is considering advertising an ordinance and we will need to vote on the substance; however, he does not want to be in a position without further evaluation in potentially setting a bad precedent, so he would like this to be sent to committee.

Commissioner Bowman made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Board of Commissioners Regular Meeting in April for consideration of advertising and not send it to committee.

Commissioner Brodsky made a MOTION to AMEND the MOTION to not forward this item to the Board of Commissioners Regular Meeting and to send it to committee in April pending Township Engineer's report, seconded by Commissioner Zappone.

Vice President Hecker asked for a roll call vote on the amended motion - to send the item to committee - as follows:

Commissioner Thompson voted no.

Commissioner Brodsky voted yes.

Commissioner Bole voted no.

Commissioner Carswell voted no.

Commissioner Rothman voted no.

Commissioner Vaughn voted no.

Commissioner Myers voted yes.

Commissioner Zappone voted yes.

Commissioner Bowman voted no.

Commissioner DiPlacido voted yes.

Commissioner Winegrad voted no.

Commissioner Vahey voted no.

Commissioner Schreiber voted yes.

Vice President Hecker voted no.

President Spiegelman voted no.

MOTION to AMEND the MOTION - FAILED – 5-10.

Vice President Hecker asked for a roll call vote on the original motion - to forward the item to the Board of Commissioners Regular Meeting - as follows:

Commissioner Thompson vote yes.

Commissioner Brodsky voted no.

Commissioner Bole voted yes.

Commissioner Carswell voted yes.

Commissioner Rothman voted yes.

Commissioner Vaughn voted yes.

Commissioner Myers voted no.

Commissioner Zappone voted no.

Commissioner Bowman voted yes.

Commissioner DiPlacido voted no.

Commissioner Winegrad voted yes.

Commissioner Vahey voted yes.

Commissioner Schreiber voted yes.

Vice President Hecker voted yes.

President Spiegelman voted yes.

MOTION was ADOPTED 11-4.

<u>Consider and discuss approving the Land Development Application LD-21-01, AQUA Pennsylvania, Inc. at property address 315 Chelsea Avenue, Glenside, to upgrade and expand the North Hills Pump Station to implement a PFAS treatment system:</u>

Commissioner Thompson said he supports this project as this is one of the most comprehensive land development applications he has seen since he has been on the Board, and he wholeheartedly hopes that the Board will agree to move it forward to our meeting next month for approval.

Mr. Jason Marie, Vice President of Mott MacDonald introduced Mr. Brennan Kelly, Engineer and Project Manager with AQUA PA and Ms. Margie Gray, Principal Engineer with Mott MacDonald to present the project.

Mr. Kelly said this is PFAS treatment system at the North Hills well station that provides drinking water for 2,500 households in the area and has been out-of-service since July 2018. In 2019, we did a 12-month pilot test of various treatment resins that was approved by PADEP, and in August, AQUA received a permit to construct the facility.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Thompson continued that this is to remove PFAS chemical compounds from the drinking water that we believe came from the Willow Grove Naval Air Station, and everyone deserves clean drinking water, so we should move this item forward to the next Board of Commissioners Regular meeting.

Commissioner Bole said he enthusiastically supports this and acknowledged the great work of Commissioner Thompson, which he has been exemplary in his leadership. How do the neighbors feel about this facility?

Commissioner Thompson replied proposed facility fits in better with the character of the neighborhood and overall feedback has been positive. Everyone is looking forward to seeing this project move forward.

Commissioner Winegrad said he would like to see this facility active as of yesterday, and he wholeheartedly agreed that this item should move forward to the Board of Commissioners Regular Meeting for a vote.

President Spiegelman commended Commissioner Thompson for his many years of work that will help everyone in the Township.

Commissioner Rothman also praised Commissioner Thompson for his work, and he encouraged everyone to keep pushing for clean water.

Commissioner Thompson made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting of April 8, 2021.

MOTION was ADOPTED 15-0.

<u>Consider and discuss final release of escrow for Sussman Associates II, LP-Kia Dealership, in the amount of $58,430.17, required maintenance either by bond or cash in the amount of $4,682.83:</u>

Mr. Hassan noted that he verified that all public improvements were completed properly and to the satisfaction per approved plan by the Board. Every final release involving public improvements within the right-of-way is subject to a maintenance bond of 15% of total cost of improvements. At the end of 18 months, the maintenance bond will lapse and the amount of $4,682.82 will be returned to the applicant.

Vice President Hecker asked for any comments from Commissioners. There were none.

Commissioner Bowman made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss final release of escrow on Sussman Mazda Dealership project in the amount of $123,898.58:

Mr. Hassan said the applicant requested release of escrow for public improvements, and he visited the site to confirm that the project has been completed to the satisfaction per approved plan.

Commissioner Zappone made a MOTION, seconded by President Spiegelman to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider approving the proposed minor subdivision plan for property address 1405 Rothley Avenue – Kevin S. Maguire & James J. Maguire, Jr., to create one new building lot for a single-family dwelling use:

Mr. Hassan said this application was presented at the last Planning Commission meeting and received unanimous recommendation of approval to move forward. There are no new improvements proposed, this is just a simple subdivision of one lot. The existing dwelling will remain, and the second lot will remain vacant for potential future improvements. Waivers requested by the applicant are from Section 146-11 A. (4) – Property Identification Plan; Section 146-11 B. (3) – Existing Features Plan; and Section 146-11 B. (7) Existing Features – Utilities Plan.

Mr. Gary Tilford, PE, with Charles E. Shoemaker, Inc., noted there are additional waiver requests from Section 146 -27 B. (1) – Sidewalks and Curb - the applicant proposes to keep existing sidewalks as is and waiver is requested to permit the existing nonconforming sidewalk to be less than four (4) feet in width in residential areas; and from Section 146-27. C. – Sidewalk Location – the applicant proposes to keep existing sidewalks as is and waiver is requested to allow the existing nonconforming sidewalk to be located between the curb and right-of-way line at more than six (6) inches from the property line.

Mr. Hassan recommended approval of waivers as listed.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bole clarified that the width of the sidewalk will be compliant and fully accessible for those with mobility issues. Is that correct?

Mr. Tilford replied yes. Also, the Planning Commission reviewed and recommended approval of the waivers as listed.

Manager Manfredi noted that the EAC and Shade Tree Commission provided suggestions in a memo dated February 22, 2021 that should be referenced if there is a motion to send this item forward.

Mr. Tilford replied the applicant is fine with that requirement.

President Spiegelman clarified that the existing sidewalk at its narrowest point is only ¼ inch less than requirement. Is that correct?

Mr. Hassan replied that is correct. This is an existing nonconforming sidewalk, and should the applicant decide to move forward with any improvements in the future, they must comply with sidewalk regulations.

Commissioner Vaughn asked why a waiver is needed since this is an existing sidewalk?

Mr. Hassan replied any land development or subdivision of a property is subject to comply with SALDO, and because the sidewalk does not comply with the current minimum width, the applicant needs to request relief, otherwise, they would need to replace it.

Commissioner Bowman clarified that notice was provided to residents regarding this project in in which the applicant was represented by their attorney at the Zoning Hearing Board meeting, and that original hearing was continued due to residents raising issues, which were addressed, so there was sufficient notice given to the neighbors and everything has been done by the book, and any suggestion to the contrary is erroneous.

Commissioner Myers questioned whether the drawings of the plan have been posted for the public to review as well as the waiver requests.

Manager Manfredi replied everything that is before the Board including the agenda and all supporting documents are available to the public; however, there were two additional waivers.

Commissioner Vaughn made a MOTION, seconded by President Spiegelman to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

Consider and discuss approving the two additional waiver requests for JJHL Associates, LTD (Faulkner Nissan):

Mr. Hassan said while working with the applicant on recording the plan; two items qualify as waiver requests; one relates to the minimum size of the stormwater pipe and the second is the minimum coverage on top of a pipe. Specifically, Section 146-33 C. pertains to drainage location and the applicant is requesting a waiver to permit storm drainage pipes to have a protected cover less than 24 inches as it is 18 inches. The second waiver is from Section 146-33. D., there is a minimum size permitted for a storm pipe and the applicant is requesting a waiver from providing a high-density polyethylene (HDPE) pipe to be less than 15 inches and the applicant proposes a perforated 12 inches HDPE pipe and a six-inch pipe. He recommended approval of the two waiver requests.

Commissioner Zappone made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Board of Commissioners Regular Meeting on April 8, 2021.

MOTION was ADOPTED 15-0.

ADJOURNMENT: 8:21 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary