

The stated meeting of the Abington Township Board of Commissioners Committee of the Whole was held as a Zoom webinar and teleconference on Thursday, April 8, 2021 with Vice President Hecker presiding.

CALL TO ORDER: 7:10 p.m.

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

CONSIDER APPROVAL OF MINUTES:

Commissioner Myers made a MOTION, seconded by Commissioner Bole to approve the minutes from the Board of Commissioners Committee of the Whole Meeting of March 11, 2021.

MOTION was ADOPTED 15-0.

PRESENTATIONS: None.

Vice President Hecker called on Manager Manfredi to address specific agenda items.

Manager Manfredi said Item a. as listed under the Board of Commissioners New Business regarding Township Existing Conditions Assessment Proposal is just as an announcement and no action is required this evening. Item a. as listed under Public Works regarding results of public bids opened on March 31, 2021 is for information only and no action is required this evening.

Also, in consultation with Commissioner Thompson, Chairman of the Land Use Committee has indicated that he will be making a motion to send Land Use agenda items a. c. d. e. to the Land Use Committee for further review as well as to receive input from the public.

He also noted that the Board of Commissioners are always interested in hearing public comments, and by adding the Committee of the Whole Meeting is to be transparent including receiving additional public input. Also, he will be working on Rules of Procedures including public comment, and recommendations will be made at the May Committee of the Whole Meeting for consideration by the Board.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Erin Hannum, resident, expressed concern about not getting information on the Item b. of the agenda, and that last year, the Hamalian's violated a permit indicating they could not sell from their property in which they sold beer from the garage and held a weekly farmers market and there were no fines or penalties and no consequences to their actions. The agreement makes no mention of the "Right To Farm Act," which protects farmers from nuisance lawsuits, and she questioned whether the Hamalian's backyard would be protected by the Act and was opposed to any agreement or variances.

Manager Manfredi replied the Township does not publish legal settlement agreements until the Board acts on it and that is why it was not attached to the agenda for public information. There will be a brief presentation on the bullet points of the agreement and the only action taken this evening will be to consider sending the matter forward to the Board of Commissioners Regular meeting on May 13th for another review and consideration.

Ms. Lauren Gallagher, Legal Counsel, said we have been working on a resolution to this matter and the terms of agreement include that the Zoning Hearing Board meeting, which has not yet been scheduled will move forward on the variance issue only and notices of violation will be held. The validity challenge will be held. The Township would not oppose the variance. If the variance is granted, the Township will withdraw the notices of violation at the expiration of 30-day appeal period or if the matter is appealed when the appeal is decided in the applicant's favor.

If the variance is granted, the applicant will withdraw the validity challenge at the expiration of the 30-day appeal period or if the matter is appealed when the appeal is decided in the applicant's favor. If the variance is granted, the Township and applicant will execute an agreement indicating that the applicant cannot operate the farmers market from that property at the expiration of the 30-day appeal period or if the matter is appealed when the appeal is decided in the applicant's favor.

If the variance is denied by the Zoning Hearing Board or overturned on appeal, the applicant can then proceed with the validity challenge. If the variance is denied by the Zoning Hearing Board or overturned on appeal, the Township can proceed with the notices of violation. The applicant will not be charged a separate filing fee for the variance and validity challenge. If the variance is granted, the applicant agrees that he will not expand the area that is being tilled and that he will abide by all Township noise ordinances. If the variance is granted, the use will be abandoned upon transfer of the property from the current owners, any person other than David Hamalian, or David Hamalian and spouse/significant other or relative.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bowman clarified that the Township has discovered in the process that this family has preexisting rights in this matter. Is that correct?

Ms. Gallagher replied the notice of violation issue relates to the use of the farmers market, and while investigating that, we discovered that the property was being used to grow vegetables and the property owner raised the defense of the “Right To Farm Act” indicating that he was permitted to do both the farming and the farmers market under that Act, so notice of violation was issued and zoning appeals were filed.

Commissioner Bowman clarified that this property is unique in having prior history. Is that correct?

Ms. Gallagher replied if a variance is granted it will only apply to this property and not apply to any other property.

Vice President Hecker continued with the Public Comment portion of the meeting.

Natalie Sherstyuk, resident, commented that the terms of agreement are extensive, and it would be fair for the residents to have a transcript or could view it online. She asked for descriptions of agenda items to be put back on the agenda as it is not clear as written.

Lora Lehmann, resident, expressed concern about the amount of public speaking time, the structure of the agenda, and about the minutes.

UNFINISHED BUSINESS: None.

NEW BUSINESS -

BOARD OF COMMISSIONERS:

Consider and discuss approving the Abington Township Existing Conditions Assessment Proposal:

Vice President Hecker asked for any comments from Commissioners.

Commissioner Myers questioned whether this item should be forwarded to committee for discussion.

Manager Manfredi replied he does not feel there is any advantage of it being sent to committee as the scope is clear. He is waiting for proposals on cost and assessment and then it will be presented to the full Board to discuss goals and priorities.

Commissioner Myers clarified that she has structural concerns and agreed that this should move forward as quickly as possible.

Commissioner Vahey clarified that the Board previously approved this project through the budget process, and this is to make the Board aware that the RFP process is underway. Is that correct?

Manager Manfredi replied that is correct.

Consider approving the agreement between Harout Hamalian and Mary Hamalian of 1733 Melmar Road, Huntingdon Valley, and David Hamalian, as an adult individual leasing a portion of 1733 Melmar Road and Abington Township:

Commissioner Brodsky commented that this is an agreement between the Township and the Hamalian's and he does not have a problem moving this forward to the full Board of Commissioners for consideration next month.

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

Commissioner Brodsky made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider extending a policy for outdoor sales of food and merchandise of existing businesses in the Township during the Coronavirus Pandemic for an additional ninety days by adopting a resolution:

Manager Manfredi said the Board previously passed a resolution to allow this activity during the pandemic, which has just expired, and the Board may consider extending it.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bole asked for the status of the process and how it worked to support local businesses.

Manager Manfredi replied staff did a great job reviewing applications, and following onsite inspections, permits were issued to get the businesses up and running, and there were no complaints.

Commissioner Bole questioned whether this is for new businesses to file applications or extend existing arrangements with business owners.

Manager Manfredi replied both.

Commissioner Bole made a MOTION, seconded by Commissioner Schreiber to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

PUBLIC WORKS:

Consider awarding at the May 13, 2021 Regular Business Meeting the following bids received and opened on March 31, 2021:

2021 Engineered Retaining Wall System Materials Bid to JDM Materials Company in the amount of \$40,000.00.

2021 Storm Sewer Inlets and Manhole Structures Bid to Commonwealth Precast, Inc. in the amount of \$39,270.00.

2021 Ready Mix Concrete Bid to JDM Materials Company in the amount of \$16,947.50.

2021 Superpave Materials Bid Part 1 to Eureka Stone Quarry, Inc. in the amount of \$839,250.00, Part 2 and Part 3 to Glasgow, Inc. in the amount of \$73,805.00 and to authorize the Township Manager to execute all contracts for all bids here and above awarded.

Manager Manfredi noted that every agenda item has an introductory sheet including an Executive Summary that provides in greater detail about each item as well as all supporting documentation.

Mike Jones, Acting Director of Public Works Department, added that we used the new PennBid system this year, which is an electronic bidding system that provides data on who downloads the bid documents; also, the cost of asphalt/concrete has decreased somewhat this year.

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

Commissioner Myers made a MOTION, seconded by Commissioner Vahey to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider ratifying the Change Order No. 1 prepared by McMahon Associates, Inc. for the 2015 ARLE Grant Intersection Improvements of Mt. Carmel Avenue and North Hills Avenue in the amount of \$5,512.10 and approve final payment to Kuharchik Construction, Inc. in the amount of \$21,378.70:

Manager Manfredi explained that this is a ratification of a change order request in the amount as listed for approval by the full Board in May.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Zappone clarified that all work under contract has been completed. Is that correct?

Mr. Jones replied yes, the work has been completed. The work relating to the change order was part of a trenching system that was not going to work due to conflicts.

Commissioner Zappone clarified that a final inspection was completed. Is that correct?

Mr. Jones replied that is correct.

Commissioner Zappone said that intersection has been a mess for the past 35 years that he has lived in Ardsley and the traffic lights need resynchronization with an arrow or delayed green light, so was that part of the plan for that intersection because it should have been.

Mr. Jones replied there was a PennDOT Traffic Safety Study and what was recommended and designed is what has been completed. He would need to get more information on resynchronization.

Commissioner Zappone said the traffic lights are the major problem there. He asked for information on the original plan noting that the project is not completed.

Mr. Jones replied he will get the information on the plan that was approved.

Commissioner Thompson commented that he was originally informed that there would be a delayed signal to allow for left turns at that intersection as it is challenging to make a left turn there. Where will the funds come from for the change order?

Mr. Jones replied the project came in under budget and the grant covered the cost.

Commissioner Thompson questioned whether due diligence was done to locate the underground utilities in advance of the work in the field.

Mr. Jones replied it was underground storm sewer lines that were not expected as well as gas lines in various locations, so there were multiple conflicts resulting in the reconditioning of the road.

Commissioner Thompson made a MOTION, seconded by Commissioner Carswell to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

Manager Manfredi noted that this a ratification as the payment of \$5,512.10 needs to be made or the Township will lose grant funding.

Vice President Hecker clarified that the payment will be made prior to the Board meeting and the Board of Commissioners will ratify that action. Is that correct?

Manager Manfredi replied yes.

Commissioner Zappone said this should be fixed and then paid for, which is how you do business, so he is opposed.

MOTION was ADOPTED 14 –1. Commissioner Zappone opposed.

LAND USE:

Consider approving the minor subdivision application by Kyle Dougherty for the Belmont Avenue Lot Line Consolidation located on Belmont Avenue at Artman Street and Westmont Avenue:

Commissioner Thompson said he will motion to move this item forward to the Land Use Committee in May as there are comments from Township Engineer that the applicant has not yet responded to, which should be submitted prior to the Land Use Committee meeting.

Mr. Kyle Dougherty, applicant, replied that he responded to Pennoni Engineer's review letter.

Mr. Gary Tilford, PE, representing the applicant, added that we received a letter from Pennoni dated April 5, 2021 and the applicant will comply with all comments as listed. The sewer planning is in the process with DEP currently and the plan has been in the Township's process for quite some time. Mr. Dougherty purchased two undersized lots with 50 ft. frontage both on Belmont Avenue and proposes to combine them into one single lot.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Thompson noted that a vote tonight will either send this matter to the committee meeting on May 5th or to the Board of Commissioners Regular meeting on May 13th for final approval, so it will not add any time to the process. He did not receive a copy of the review letter from Pennoni only from Boucher & James and he has not seen any response from the applicant.

Commissioner Bowman commented that there has been delay in part by the Township and this has languished for a long time. The applicant proposes to consolidate two lots and will come back for land development process when there is a plan to build a home. Also, Mr. Tilford indicated that the applicant will comply with suggestions made in the most recent review letter, and he, along with the applicant hoped this would be passed onto the full Board's consent agenda.

Mr. Dougherty replied all documents were presented to the Township including a presentation before the Planning Commission back in December and they had no objections, and he replied to Pennoni's letter that he will comply with the suggestions. It has been five months since he presented before the Planning Commission and he would appreciate for this to not be delayed much longer considering pricing has skyrocketed.

Manager Manfredi replied the only additional requirement on the part of the applicant may be that they will need to attend the committee meeting in May and final approval will continue to be at the May 13th meeting, which is not a delay and would not cost them any more time.

Mr. Tilford replied his client would agree to make a presentation on May 5th with the process going forward to the full Board on May 13th.

Commissioner Bowman said considering Mr. Tilford's remarks, that is fine.

Commissioner Thompson clarified that he would like to see a response from the applicant to review making sure it is compliant with Township's requirements, and if there is nothing further, it will be sent forward to the full Board on May 13th for final approval.

Commissioner Thompson made a MOTION, seconded by Commissioner Bowman to move this item forward to the Land Use Committee Meeting on May 5, 2021 for further review and then to be forwarded to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider approving ABP Investments, Inc. for property located at 1051, 1053, and 1057 Easton Road at Tyson Avenue to consolidate the three (3) existing parcels and to subsequently subdivide into two (2) new lots:

Mr. Arthur Herling, applicant, presented the plan for redevelopment of properties located at 1051, 1053 and 1057 Easton Road. Currently, there are three parcels; one is a single-family home, which is 1057 Easton Road and the twin home at 1051, 1053 Easton Road. The left side of the twin consists of two apartments and the right side is one home. Proposed is to remove the single-family home and replace it with new construction and then restore the twin home at 1051, 1053 Easton Road and all parking would be in the rear of the property and two of the four existing driveways will be eliminated as shown on the plan. There is existing sidewalk in front of the three parcels and proposed is to improve frontage with additional sidewalk and a bench making it more accessible for pedestrians. Rendering and floor plans were presented; also, he received a third review letter from Boucher & James, Inc. and he responded to that with a fourth submission in early March indicating that he will comply with the items, and he is waiting for a fourth review letter from Pennoni Engineers, and he will respond.

Vice President Hecker asked for any comments from Commissioners.

President Spiegelman commented that this project is in Ward 11 and the intersection of Easton Road and Tyson Avenue has always been difficult and is worse due to a change in traffic patterns from the Edge Hill Road/Tyson Avenue project. In communication with Commissioner Zappone, he has begun taking steps to have PennDOT reevaluate that intersection for some type of upgraded traffic control to make it flow more smoothly and safely.

Also, the previous project done by Mr. Herling is fantastic and a significant improvement, and he has reviewed this plan including the renderings as well as what was presented before the Planning Commission and he is in favor of the project.

And he clarified that once the new sidewalks are installed there will be sidewalks on the entire stretch of Easton Road from Luke Oil on Susquehanna Road all the way up to almost the SPCA on Edge Hill Road. Is that correct?

Mr. Herling replied yes.

President Spiegelman clarified that there is a plan for the way trash will be collected from the property. Is that correct?

Mr. Herling replied yes. A dumpster is proposed to be placed in the back of the parking lot that will be buffered with trees and a fence for residents to use negating the need for multiple trash cans sitting on Easton Road.

President Spiegelman clarified that it will be a private trash collector. Is that correct?

Mr. Herling replied that is correct and trash collection will be during normal business hours.

President Spiegelman continued that this property will be compliant with MS4 requirements and stormwater management will be improved as compared to current conditions.

Commissioner Thompson commended Mr. Herling for saving/restoring the existing structure preserving its history.

President Spiegelman made a MOTION, seconded by Commissioner Thompson to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider approving the proposed Minor Land Development Plan for the Galman Group at property address 1250 Greenwood Avenue. The applicant intends to enclose the existing patio located on the rear of the existing building at The Plaza Apartments:

Commissioner Thompson recommended moving this item to the Land Use Committee as there has been no response by the applicant to comments listed in Pennoni Engineer's review letter of February 2021 and Township Engineer does not recommend final land development approval until the applicant addresses the zoning comments.

Mr. Chris DiNoulis, PE, Bohler Engineering, representing the applicant, said he has been in communication with Pennoni Engineers, and we will comply with all items and there are no zoning issues, just incorrect zoning information listed on the plan. This is a minor building addition on the back end of The Plaza Apartments and the applicant will comply with all comments along with two waiver requests related to survey information.

The County recommended removing one ADA parking space and that is not a problem, and a recommendation of approval was provided by the Planning Commission who also recommended landscaping around the perimeter of the enclosed patio space. He requested that this application be placed on the agenda of the Board of Commissioners Meeting next month.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Winegrad asked about a review letter regarding sewer and was this reviewed by the Fire Marshal?

Mr. DiNoulis replied we did not receive any. There are no new units proposed, it is just expanded amenity space of 480 sq. ft. that will have a library-type feel to it.

Mr. Jerry Slipakoff, Galman Group, added that we are covering the existing patio and creating a small library room with a fireplace.

Mr. Khaled Hassan, Township Engineer, Pennoni Associates, noted that his review letter for this project was issued on February 19, 2021, and since then the applicant made modifications. Also, he does not recommend approval on any land development plan (minor or major) if there are any outstanding zoning items. If the application is sent to the Land Use Committee, he is confident that all comments will be addressed, and then it will be ready to be moved forward to the Board of Commissioners Meeting in May.

Commissioner Winegrad questioned whether a review letter regarding sewer or a review letter from the Fire Marshal is required.

Mr. Hassan replied a review letter from the Fire Marshal is needed in terms of an internal circulation standpoint making sure fire trucks will not be hindered in any way. Regarding a review letter for the sewer, the applicant will need to address whether there will be anything that requires plumbing.

Commissioner Winegrad agreed with Commissioner Thompson in sending this item to the Land Use Committee Meeting as no time will be lost.

Commissioner Thompson made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Land Use Committee Meeting on May 5, 2021.

MOTION was ADOPTED 15-0.

Consider Planning Commission recommended approval for the proposed Minor Land Development for Holy Redeemer Health System located at 1648 Huntingdon Pike. The applicant intends to construct a new 1,772 sq. ft. building addition, which will be for a new Linear Accelerator use:

Manager Manfredi noted that the applicant has been before the Planning Commission and will need to go before the Zoning Hearing Board, and we are helping the applicant move through the process as the project is time-sensitive due to other entities involved.

Mr. Jack Dempster, Vice President of Facilities & Construction for Redeemer Health, said proposed is a ground floor single-story addition to the cancer center of the hospital of approximately 1,700 sq. ft. and we have responded to all comments submitted by Pennoni as well as submitted application to the ZHB. He introduced Christopher Cummings, Esquire with Stradley, Ronon, and Timothy Boles, PE with Boles, Smyth Engineering to the Board.

Mr. Cummings added that the applicant will comply with all comments as listed in Pennoni's review letter and is requesting two waivers pertaining to property information of those who border the property line and survey information. This is identical to the linear accelerator that was added to Holy Redeemer Hospital about 10 years ago, which will outlive its usefulness soon and the new one needs to be online before that happens.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Brodsky commented that he attended the Planning Commission meeting when this was presented as well as reviewed the plans and the applicant indicated they will comply with recommendations made by the Planning Commission, so he supports this moving forward to the Board of Commissioners Meeting in May.

Commissioner Brodsky made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Mr. Hassan clarified that this application needs a special exception by the Zoning Hearing Board and their next meeting is April 20th.

Manager Manfredi added that the applicant may not make the ZHB meeting on April 20th, so one of the Board's options would be to grant approval only if the applicant receives a special exception or wait until after the Zoning Hearing Board meeting in May to grant approval.

Consider Planning Commission recommended approval for the proposed Minor Land Development Plan for the Sisters of the Redeemer located at 521 Moredon Road. The applicant intends to construct an accessory building (BARN) to support the existing farm operations that is currently performed in the existing building:

Manager Manfredi noted that the applicant presented before the Planning Commission and this application also needs a special exception by the Zoning Hearing Board, and we are also helping them move through the process.

Sister Ana Dura commented that she provided a narrative, and this is to continue the growth of a community garden that began over 10 years ago, and we have outgrown our existing structure.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Brodsky commented that this is a good project and he encouraged everyone to visit the farmer's market. The barn will be a nice there, and he informed the neighbors in the immediate area and spoke with the President of the Lower Huntingdon Valley Civic Association about it. The applicant indicated they will meet certain conditions and will comply with the recommendations of the Planning Commission, so he supports this project and recommended sending this forward to the Board of Commissioners Meeting on May 13th.

Commissioner Brodsky made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

PUBLIC SAFETY:

Consider approving Officer David Wiley to the rank of Probationary Sergeant effective May 14, 2021 providing he successfully completes the remaining portions of the promotional process:

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

Commissioner Myers made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider approving installation of a "Stop" sign as experimental on the north and south side of Elliot Avenue and Crestview Avenue:

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

Commissioner Myers made a MOTION, seconded by Commissioner Zappone to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider approving advertisement of Ordinance No. XXXX, amending Chapter 156 - “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 14 – “Stop Intersections,” and Article III – “Parking Regulations,” Section 25 – “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing,” and Section 28 “Special Purpose Parking Zones” to add a “Stop” intersection on Joyce Road at Osbourne Avenue; add “No Parking Except for Sundays on the west side of Fairview Avenue in front of 1673 Fairview, and remove “Handicapped Parking” signs in front of 300 Tyson Avenue and 2317 Tague Avenue:

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

Commissioner Bole made a MOTION, seconded by Commissioner Carswell to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

Consider approving the Electronic Access Agreement for Pennsylvania Crash Information Tool between the Pennsylvania Department of Transportation and the Township of Abington and authorize the Township Manager to execute the agreement:

Lt. Chris Porter explained that this allows the police department to access PennDOT’s crash reporting information within our region.

Manager Manfredi clarified that the agreement is necessary to be able to utilize this tool as required by PennDOT. Is that correct?

Lt. Porter replied that is correct.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Carswell questioned whether this is the data that the Traffic Safety Team accesses when there is an area of concern.

Lt. Porter replied yes. It is a unique opportunity to be able to access this data that will help formulate responses to problems and issues and then develop response plans in a timely manner.

Commissioner Carswell said she supports it.

Commissioner Zappone made a MOTION, seconded by Commissioner Rothman to move this item forward to the Board of Commissioners Regular Meeting on May 13, 2021.

MOTION was ADOPTED 15-0.

ADJOURNMENT: 8:55 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary