

The stated meeting of the Abington Township Board of Commissioners Committee of the Whole was held as a Zoom webinar and teleconference on Thursday, June 10, 2021, with Vice President Hecker presiding.

CALL TO ORDER: 7:18 p.m.

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

CONSIDER APPROVAL OF MINUTES:

Commissioner Myers made a MOTION, seconded by President Spiegelman to approve the minutes of the Board of Commissioners Committee of the Whole Meeting of May 13, 2021.

MOTION was ADOPTED 15-0.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Lora Lehmann, 1431 Bryant Lane, requested to have public speaking time after the presentation on the Willow Grove Mall as well as after each agenda item; also, she is opposed to “residential at the mall.” And she suggested eliminating the Committee of the Whole Meeting and restore the committee meetings as well as the public speaking rules.

Linda Montz, 47 Twin Brooks Drive, objected to any residential use at the Willow Grove Mall, and she thanked the Board for their work.

Alan Boris, 659 Hamel Avenue, thanked Commissioner Thompson who worked with him and his wife regarding the matter of an easement agreement on Township-owned property, which is a 20 ft. parcel between 653-659 Hamel Avenue, and he requested approval to erect a chain-link fence on the property line. He understands it is the Township’s property and they have every right to enter and perform whatever services are needed, and he thanked the Board for their kind consideration.

Cakky Evans, EAC member, thanked Vice President Hecker for permitting the EAC and Shade Tree Commission time to review the matter concerning 1231 Susquehanna Road, and she requested that the owner consider preserving the Pine Trees. Also, regarding the resolution concerning Climate Collaborative of Greater Philadelphia; we will be having a public information session, which is an important part of the Climate Action Plan.

UNFINISHED BUSINESS:

Reconsider a Resolution amending Section IV (b) (1) Public Comments for Public Meetings (b) (1) to establish that the Public shall have three (3) minutes to provide germane public comment on the agenda items to be voted upon. The Presiding Officer shall have the discretion to add time for a commenter during the public comment period of additional public comment, and repeal current (b) Committee of the Whole (1) language:

Vice President Hecker said the new Committee of the Whole Meeting has been held for the past seven or eight months, and at the outset, the Board committed to analyzing how it would evolve and how it could be more efficient in addressing all matters that come before the Township. Also, the public participation component is a piece of it, but there have also been other germane concerns raised by Commissioners that need to be addressed so that it becomes an efficient vehicle where all Board members have a chance to review, weigh-in and direct next steps on key matters.

He would like to table this matter to have more time to work with the Manager and consult with each of his colleagues on a more comprehensive proposal where it addresses all concerns so that it works for everyone.

Vice President Hecker made a MOTION to TABLE this item, seconded by Commissioner Schreiber.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Myers commented that she supports this item moving forward and she knows that Vice President Hecker will do what is best for everyone in Abington Township.

Commissioner Carswell said she is excited that this has generated a lot of discussion on how to design the best system to work together including offering space for community dialog at our meetings, and she is glad that we will spend more time on it. It is important for residents to know that this is not their only space to be heard, and although this is an opportunity for resident's comments to be noted in the public record, they can also reach out to their Commissioner and Township staff as they are very responsive and serve the community well.

MOTION to TABLE – PASSED 15-0.

Consider approving the major subdivision application for 1231 Susquehanna Road, Rydal:

Mr. Hassan, Township Engineer, said the applicant is proposing to demolish existing central and rear dwellings, driveway, carport, tennis courts, patio, sheds, and associated walls, lighting, and landscaping, and subdivide the existing parcel (total 6,5413-acres to ultimate right-of-way as surveyed) into five (5) individual lots to construct on each lot a single-family residential dwelling and associated driveways, curb, walkways, streetlights, stormwater facilities, and storm and sanitary sewers. A retaining wall is proposed behind the sidewalk to the west and north side of the infiltration bed SB6 on Lot1; and behind the sidewalk and parallel to the proposed driveway on Lot 5. Each lot will be serviced by public sewer and water services. Access to each lot is via a new cul-de-sac street labeled as Christine Lane. The site is located at 1231 Susquehanna Road in the R-1 – Low Density Residential District of Ward No. 1.

This application was approved by the Planning Commission back in April and waiver requests by the applicant are as follows:

Section 146-11. A (4) & Section 146-11. B (3) (7) & (10) – Property Identification Plan and Existing Features Plan, he has no opposition as there is sufficient information on the plan.

Section 146-11. H (1) - Landscaping Plan, due to the intensity of landscaping being proposed, he recommends that the Board of Commissioners deny this waiver request.

Section 146-11. L – Architectural Plan, the applicant does not have architectural plans prepared and should provide some type of rendering, so he recommends that the Board of Commissioners deny this waiver request.

Section 146-D. 1 – Streets, Minimum Width – the applicant proposes a cartway width of 24 feet and the minimum required width is 30 ft., and because the applicant intends to offer this road for dedication to the Township, he recommends that the Board of Commissioners deny waiver request as it will be substandard per Township’s requirements. E

Section 146-30. A – Lot Shapes – he has no opposition to this waiver request due to shape of the lot.

Section 146-33. D - Drainage – Size, Shape and Type – he has no opposition to this waiver request as the hydraulics work from an engineering standpoint.

Section 146-43 C (3) (a) – Cut & Fill Slopes – he has no opposition to this waiver request.

Also, he recommends approval of this major subdivision application.

Mr. Nick Rose, PE, Protract Engineering, said this application was approved by the Board back in 2009 for five lots, and although this is a different configuration, it is essentially the same project. We have withdrawn request to reduce cartway width so it will be 30 feet wide, and we will provide landscape information as well as tentative architectural plans. These five lots will be on a new road off Susquehanna Road, and it will be positioned according to Township Engineer's requirements as well as PennDOT. Due to the grade, we cannot preserve grove of Pine Trees.

Mr. Hassan continued that the EAC and Shade Tree Commission expressed concern about removal of existing Pine Trees.

Mr. Rose replied even if the roadway were moved, those trees could not be saved as part of this application.

Mr. Hassan clarified 32 trees will be removed and replaced with 64 trees between 3-3.5 caliper. Is that correct?

Mr. Rose replied that is correct with the addition of 20 street trees.

Mr. Hassan clarified those 32 existing trees are located along the property traveling in the westerly direction towards an existing sidewalk that would eventually take pedestrians to the train station as well as the area of Lindsay Lane. He is in support of the sidewalk and would like to see it on the plan. If the Board of Commissioners would like to entertain the comment from the EAC and Shade Tree Commission noting their opposition to the sidewalk that would result in removal of trees, so he would recommend deferment of sidewalk and not a waiver.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bole asked what is the opposition for installing sidewalks?

Mr. Hassan replied there are trees along the frontage that would be in danger of being removed due to installation of sidewalk.

Vice President Hecker said this is in his ward and he agrees with Mr. Hassan's recommendations on the waiver requests as well as the sidewalk issue.

Vice President Hecker made a MOTION, seconded by Commissioner Myers to move this item forward to the Board of Commissioners Regular Meeting on July 8, 2021.

MOTION was ADOPTED 15-0.

Jim DeGideo, owner of the property, commented that he proposes to bump up the sidewalk towards the fence line.

Vice President Hecker suggested that the applicant work with Township Engineer over the next several weeks regarding the final plan prior to it being distributed to the Board of Commissioners for consideration at their meeting next month.

Consider the Planning Commission's recommendation of the requested and submitted petition to amend the Township's Zoning Ordinance by PREIT and any related action:

President Spiegelman commented that there has been a lot of feedback regarding proposed text amendment, and he would like to provide a list of questions/concerns by the Board as well as constituents to be addressed by PREIT to see whether this is something that could move forward, so he does not have enough information tonight to make a recommendation.

Commissioner Vahey commented that we have not heard about the economic development that could be fostered by the construction of an apartment building and he suggested consulting with the Economic Development Committee on how this would help our Township; also, would tax revenue generated by the development exceed the burdens placed on Township's services as well as the School District, and it is important for the Board to have that information prior to any final consideration of this proposal.

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to refer this item to the Township's Economic Development Committee for review and feedback to the Board.

MOTION was ADOPTED 15-0.

NEW BUSINESS:

Consider and discuss The Building and Smokestack Lease Agreement between the Board of Commissioners of the Township of Abington and Cellco Partnership, dba Verizon Wireless:

Solicitor Clarke said the Building and Smokestack Lease Agreement between the Township and Cellco Partnership does not prevent the Township from negotiating with future co-locators. It allows for additional rent increases based on the consumer price index but has a minimum increase of 10% per renewal term. The initial term is five years retroactive to February 1, 2021, and there are renewal terms. Verizon indicated that the rent comparable to similar facilities begins at \$30,000 in the first term and goes up from there and the insurance carrier approved the terms of the agreement as it relates to insurance indemnification provisions.

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

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

MOTION was ADOPTED 15-0.

Consider approving an easement agreement for the Township-owned 20-foot parcel between 653-659 Hamel Avenue:

Commissioner Thompson said earlier this evening we heard from Mr. Boris resident of Hamel Avenue who made this request, and next to his property is a 20-foot-wide strip of land owned by the Township covered by grass with a stormwater sewer line below, and recently, there was construction work to modify and improve that pipeline. That work has been completed and landscaping improvements were made onsite as well as minor changes to the fence as result of that work. So rather than repairing it, Mr. Boris asked permission to extend that fence around the strip of land and put a gate on the front side to allow continued Township access to that pipeline and then Mr. Boris will assume responsibility for maintaining the fence and landscaping on that property. An agreement is necessary between the Township and landowner to protect both entities in this case, and he asked Solicitor Clarke to provide further information about the agreement.

Solicitor Clarke replied that the Township will be granting the property owner a license agreement as the Township has an easement area adjacent to the property owner who would like to place a shed in that area. The license agreement is nonexclusive, which means the Township will be able to access the property to do any maintenance in the easement area. This is a revocable license, and if the Township needs to have the shed removed, it will be the property owners' responsibility to have it removed at their cost; also, the shed will be insured, and the property owner will indemnify the Township for their use of the shed.

Commissioner Thompson asked what happens with the agreement if the property owners sell his property?

Solicitor Clarke replied that this license agreement will remain, but the new property owner will need to accept all conditions.

Commissioner Thompson clarified that if the new property owner does not accept the conditions, the property reverts to the Township. Is that correct?

Solicitor Clarke replied the Township is just providing a license agreement to use its property and is not giving them any land.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Zappone commented that all that underground work was done in 2003 from Penn Avenue to Jackson Avenue, so there are many easements along that corridor. He clarified that those residents are now permitted to place sheds in the easements. Is that correct?

Solicitor Clarke replied each property owner would need to get approval for a similar license agreement with the Township and it would be unique to each of them.

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

MOTION was ADOPTED 15-0.

Consider a resolution authorizing the disposition of Public Works records as listed in the attached itemized report:

Mr. Jones explained that there are thousands of records in storage, and we need to make room for existing records and future storage. The Pennsylvania Municipalities Records Manual sets a records retention schedule and all records to be disposed meet the guidelines.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Carswell questioned whether certain records that need to be kept indefinitely will be scanned and digitized.

Mr. Jones replied he believes most of them are but will need to verify it.

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

MOTION was ADOPTED 15-0.

Consider approving LD-20-03 Minor Land Development Plan for New Life Presbyterian Church:

Commissioner Vahey said New Life Church is in Ward 12 and Mr. Raysor has been proactive and cooperative in keeping him informed about this development plan, and he asked for support from his fellow Board members.

Also, this proposal was supposed to be on the Planning Commission's agenda in April and was bounced due to PREIT's presentations, and then it was delayed again for another month, so he assured Mr. Raysor that this would not be delayed any further, and we need to make sure that kind of backlog on the Planning Commission's agenda does not occur again.

His concern about the Committee of the Whole Meetings is that church officials will need to wait another month for final approval before going out to bid and then find a contractor to get this work done. And, while adding an extra month for consideration of certain policy changes is appropriate, there are certain agenda items that should not have that type of delay and we are not serving the public well by putting in extra deliberation time, so as we refine this process, let's keep this proposal in mind as a mistake that should not happen again.

Mr. Hassan said the applicant proposes to demolish existing walkways and parking areas located within the front area of the existing church structure to construct a 1,340 sq. ft. building addition as well as new parking and landscape areas. Waivers requested by the applicant are as follows:

Sections 146-11 A. (4) and 146-11 B. (3) – Property Identification and Existing Features Plan, and he recommends approval.

Section 146-11 B. 7 – Existing Features pertaining to utilities, and he recommends approval.

Section 146-11 J. – Recreational Facilities, and he recommends approval.

Section 146-33. D. – Drainage, Size, Grade and Type, and he recommends approval.

Section 146-39 A. – Shade Trees, the applicant received a variance from ZHB to provide shade trees.

Section 146-39 B. (3) (a) (1) – Parking Lot Landscaping – the applicant is providing required landscaping as part of the addition, but they are not providing landscaping for the remainder of the site.

Section 146-39 B. (3) (a) (2) – Parking Lot Landscaping, the applicant proposes to landscape seven new parking stalls as part of the building addition, and he recommends approval.

Also, this application was before the Planning Commission on June 3, 2021, and received recommendation of approval subject to conditions that the applicant addresses sidewalk immediately following construction and church officials agreed; also, that the applicant prepare a Master Facilities Plan to include shade trees and fencing encroachment. He also recommends approval of this application.

Mr. Greg Raysor, New Life Church Administrator, commented that this will not be a large change in the footprint, but it will improve ADA accessibility to the church by adding an elevator; an entranceway without steps; adding ADA bathrooms; and improvements to the sanctuary. A rain garden will help with runoff and sidewalks will be addressed upon completion of the addition as well as a Master Facilities Plan. Currently, our concern is that costs continue to increase, and we hope to get good pricing for this project.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Bowman commented that he is in favor of this based on Commissioner Vahey's recommendation.

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

MOTION was ADOPTED 15-0.

Consider appointing Jakob Henze from the Civil Service Eligibility list to the position of Probationary Police Officer provided he successfully completes the Background, Physical, Psychological tests and all entry requirements of the Municipal Police Officers' Education and Training and Act 120 Training, effective July 19, 2021:

Deputy Chief Porter said the police department agreed to delay hiring until the fall; however, we encountered some personnel issues that require hiring someone sooner than later, and salary for this officer will come from funds that have already been allocated.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Vahey commented that the police department has sacrificed quite a bit in personnel to help with the Township's budget to the extent that now they need someone, and he applauds them for their doing their part and supports the motion.

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

MOTION was ADOPTED 15-0.

Consider approving the promotion of Officer Ryan Duntzee to the rank of Probationary Sergeant effective July 19, 2021, providing he successfully completes the remaining portions of the promotional process:

Chief Molloy commented that Deputy Chief Kelley Warner will be leaving the department on June 25, 2021, as she was appointed Chief of Police in Harrisonburg, Virginia, and with her 32 years of experience, it will be a huge loss to the department. So, to have the same level of supervision, we would like to promote a sergeant that will allow the department to defer the lieutenant's exam until 2022.

Deputy Chief Porter added that the promotion of Officer Duntzee will allow us to make moves within the department and continue with our succession planning.

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

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

MOTION was ADOPTED 15-0.

Consider approving revisions made to the Municipal Police Officer's Education and Training Commission Physical Fitness Testing Standards outlined in Section 4.5 of the Civil Service Rules and Regulations:

Deputy Chief Porter said the Municipal Police Officer's Education and Training Commission is the entity that certifies municipal police officers and sets the standards statewide. They have recently revised their physical fitness requirements for entry and promotional standards, and this will allow the department to update our Civil Service Code to match these minor changes.

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

Commissioner Schreiber made a MOTION, seconded by Commissioner Bole to move this item forward to the Board of Commissioners Regular Meeting on July 8, 2021.

MOTION was ADOPTED 15-0.

Refer the proposed EAC DRAFT Resolution joining the Climate Collaborative of Greater Philadelphia (CCGP), an initiative to accelerate effective Climate Action to a public information session to be held by the EAC, with this matter to be reconsidered at the regular business meeting of the Board of Commissioners on July 8, 2021:

Manager Manfredi explained that it is being recommended to be sent to the public information session first and then the Board's regular meeting because there is opportunity to obtain funding from the PADEP if we meet the deadline. There are items contained within the resolution that will require action that will be part of the Climate Action Plan, and it is important for the EAC to explain to the public at its information session what exactly the Board will be voting on at its next meeting.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Bole encouraged driving as many people to that public information session as possible as this is an important resolution to consider as well as an opportunity for broad systemic change in the Township that will also drive budget discussions.

Commissioner Bole made a MOTION, seconded by President Spiegelman to move this item forward to the public information session held by the EAC and then to the Board of Commissioners Regular Meeting on July 8, 2021.

MOTION was ADOPTED 15-0.

Consider the Owner-Occupied Home Rehabilitation Program Municipal Lien Policy:

Ms. Kimberly Hamm, Director of Community Development, said this policy was put together for the Board's consideration in which there were many requests for subordination, forgiveness and payoff of municipal liens and loans incurred as a result of participation of the Township's owner-occupied rehabilitation program. This program is administered by DCED and HUD, and with the formulation of the new policy, we will follow their guidelines. When the homeowners sell or refinance, the Township realizes these loans as income and we propose to create a period of affordability to help realize intergenerational wealth-building that this program aims to create, and the cost of rehabilitation and construction and associated building materials continue to increase, so we will incorporate an increase of an initial grant amount to help meet those changes in the market.

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

Commissioner Vahey made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Finance Committee Meeting on July 17, 2021.

MOTION was ADOPTED 15-0.

Consider the 2021 CDBG Annual Action Plan:

Ms. Hamm explained that we are in the season to create the Township's 2021 CDBG Action Plan for program year from October 1, 2021 to September 2022 with much of the plan being realized during the 2022 calendar year. This plan was formulated based on the needs of the Township and we held a "Needs Hearing" on May 27th via Zoom. This plan needs to be submitted to HUD for approval on or before August 16, 2021 or the Township will lose the funds.

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

Commissioner Vahey made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Finance Committee Meeting on July 17, 2021.

MOTION was ADOPTED 15-0.

ADJOURNMENT: 8:43 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary