

The stated meeting of the Board of Commissioners Committee of the Whole of the Township of Abington was held at the Township Administration Building, Abington, PA., on Thursday, July 8, 2021, with Vice President Hecker presiding.

CALL TO ORDER: 7:00 p.m.

PRESENT: Commissioners THOMPSON, BRODSKY, BOLE,
CARSWELL (called in), ROTHMAN (called in), VAUGHN,
MYERS, ZAPPONE, BOWMAN, WINEGRAD, VAHEY,
SCHREIBER, HECKER, SPIEGELMAN
Excused: DiPLACIDO

CONSIDER APPROVAL OF MINUTES:

Commissioner Myers made a MOTION, seconded by Commissioner Brodsky to approve the minutes of the Board of Commissioners Committee of the Whole Meeting of June 10, 2021.

MOTION was ADOPTED 14-0.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Seth Cooley, 740 Washington Lane, requested that Item d. as listed on the agenda be “adjourned” as he does not have the materials associated with it such as the subdivision plan, and he feels it would be beneficial for the Committee of the Whole to vet it further including gaining input from stakeholders and effected property owners. He asked for this item not to be continued and that it should be discussed at the Committee of the Whole’s next meeting and then make appropriate recommendation to the Board of Commissioners.

He provided a document to the Township Manager regarding preserving his rights while he performs his due diligence about these properties along Washington Lane. He expressed concern that this project will alter the aesthetic-feel of the neighborhood including the loss of trees; also, he was assured there will be a process to address all concerns.

Krystn Kuckelman, 2112 Parkdale Avenue, said she is a 20-year advocate for parks and open space at the local, regional, and national level, and she is Chair and founder of Friends of Glenside/Weldon, who is a committee of residents rebuilding the playground at the former school property. We raised \$100,000 and plan to install the playground this fall, and in addition, we are planning to plant 30 new trees on the property in coordination with the Shade Tree Commission. She approached Commissioner Vahey to form a committee of citizens on park and recreation who would work on a solid program. She asked for support by the Committee of the Whole to create a Comprehensive Recreation, Park and Open Space Plan Advisory Committee.

Cakky Evans, 1132 Lindsay Lane, said that the EAC would be happy to assist those regarding Item d. of the agenda; also, she is in favor of the Township forming a parks and recreation advisory committee, which could be included as part of the Climate Action Plan.

A resident commented that he is in favor of Item d. as listed on the agenda as sidewalks would be great for the community.

Lora Lehmann, Meadowbrook, asked for a call-in and/or Zoom option for meetings. She expressed concern about plans that include removal of trees; also, about the new speaking rules.

UNFINISHED BUSINESS:

Vice President Hecker made a MOTION, seconded by Commissioner Schreiber to reconsider at the September 9, 2021, Committee of the Whole Meeting, a resolution amending Resolution No. 20-039, setting forth an agenda policy and procedures for meetings of the Board of Commissioners and its Committees.

Vice President Hecker said we have discussed at the last few meetings about procedures on how this committee will conduct business moving forward, and work is still being done and has not been completed, so we would like to have more time to put together a comprehensive framework and bring this matter back before the Committee of the Whole in September.

Commissioner Brodsky commented that he supports taking more time over the summer on this matter.

Commissioner Myers clarified that the draft policy will be revised. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Thompson said he supports the motion; however, he expressed concern about “kicking the can down the road,” and he wants to be sure that a decision will be made on September 9th and that it will not be delayed any further.

Vice President Hecker replied that the comprehensive framework will be completed by then.

Vice President Hecker recessed the meeting at 7:20 p.m., due to an interruption, until 7:32 p.m.

MOTION was ADOPTED 14-0.

NEW BUSINESS:

Consider a motion to waive the Request for Proposal requirement and to engage Witt O'Brien as consultants to the Township to assure compliance with the American Recovery Plan Act and authorize the Township Manager to execute the appropriate engagement letter and to immediately engage and work with the consultant:

Manager Manfredi said the Federal government passed the American Recovery Plan Act, which will afford the Township approximately \$19 million dollars between 2021 and 2022. Proposed is to waive the Request for Proposal requirement and engage Witt O'Brien as consultants to provide counsel on how those funds can be used to assure compliance and they would be paid with funds from the Act. He reached out to Montgomery County's Chief Financial Officer who recommended this firm.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Myers clarified that this would not be approved tonight but moved to the Board of Commissioners' next meeting. Is that correct?

Manager Manfredi replied the request is to utilize this firm immediately.

Commissioner Myers asked about the firm's rates.

Manager Manfredi replied the rates are listed in a chart and it depends on what the tasks are and who they assign, and this firm seems to have the most experience to provide guidance.

Commissioner Myers expressed concern about not knowing the cost in hiring this firm and previously the Board has included a "not-to-exceed" amount in other motions.

Manager Manfredi replied estimated cost is \$25,000.

Commissioner Myers requested that the motion include a "not-to-exceed" amount.

Commissioner Schreiber agreed that there should be a cap as it could be increased if needed. Also, she clarified that the firm will be paid from funds received from the Federal government. Is that correct?

Manager Manfredi replied yes.

Commissioner Thompson agreed there should be a “not to exceed” amount and as well as require authorization prior to exceeding that amount.

Manager Manfredi continued that the Board policy includes a \$25,000 threshold, and after discussion with Township Solicitor, it was suggested getting approval by the Board to waive the RFP process.

Commissioner Thompson said that this is just a steppingstone in getting assistance from this firm prior to an RFP being issued and the motion should acknowledge that there will be an RFP process in the future.

Commissioner Vahey asked when would an RFP be issued?

Manager Manfredi replied per the policy when we hit the \$25,000 threshold an RFP is required.

Commissioner Bole questioned the sense of urgency as to when the Federal government expects the Township to act.

Manager Manfredi replied it is not so much a sense urgency, but a matter of planning for the Township.

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to waive the “Request for Proposal” requirement within the Board’s policy to engage Witt O’Brien as consultants to the Township to assure compliance with the American Recovery Plan Act and authorize the Township Manager to execute the appropriate engagement letter and to immediately engage and work with the consultant at a cost not-to-exceed \$25,000, and once the \$25,000 threshold is met, the waiver would expire and then the RFP process would begin.

MOTION was ADOPTED 14-0.

Motion to consider the request of Penn State University (PSU) to amend the Zoning Ordinance of the Township of Abington, providing for and regulation of a college/university campus use in the CS-Community Service District and amend the official Zoning Map of Abington Township, by rezoning three parcels from the R-1 - Residential Low Density (R-1) District to the CS - Community Service District:

Vice President Hecker noted that this item would be referred to the Planning Commission for review and then to the full Board of Commissioners for its consideration.

Commissioner Thompson announced that as an employee of KCBA Architects, who is the architect of this project, he will recuse himself from any discussion and vote. (He left the boardroom during discussion of this item).

Mr. Marc Jonas, Attorney representing the applicant Penn State University, said that this is a procedural request to begin the public process in consideration of two ordinances that would allow for the construction of a new academic building at PSU. We had a series of community meetings as well as informal meetings with Township staff and we feel now is the appropriate time to begin the public process in appearing before the Planning Commission, and then it will be reviewed by the County Planning Commission as well as a public hearing on consideration of the amendments.

Dr. Margo DelliCarpini, Chancellor and Dean of Penn State Abington, said this process begun in 2014 with the conclusion of a master plan, several feasibility studies, and traffic studies, and we are looking forward to working with the Township through this process with the hopes of creating additional space on campus.

Vice President Hecker said one of the overarching concerns of the neighbors of the original proposal included two properties on the other side of the street on Cloverly Lane, and that is no longer included in the proposal. So, this focuses on text amendments and changing the map to allow for construction of a building located on their property.

As a follow up to the informal meetings held with the neighbors, he held an online review with residents of School Lane and Cloverly Lane about the plans, so he feels it is appropriate for this to move forward.

He asked for any comments from Commissioners.

Commissioner Zappone clarified that all issues expressed by residents have been resolved. Is that correct?

Vice President Hecker replied that the larger issues have been resolved and there will be a formal land development process including public participation.

President Spiegelman made a MOTION, seconded by Commissioner Zappone to refer the request to consider the request of Penn State University (PSU) to amend the Zoning Ordinance of the Township of Abington, providing for and regulation of a college/university campus use in the CS- Community Service District and amend the official Zoning Map of Abington Township, by rezoning three parcels from the R-1 - Residential Low Density (R-1) District to the CS - Community Service District to the of the Township's Planning Commission and then to the full Board of Commissioners for its consideration.

MOTION was ADOPTED 13-0. Commissioner Thompson recused himself from the vote. Commissioner DiPlacido was absent.

Motion to consider approving the Second Amendment Land Development Application – LD-21-05 - Rydal Waters allowing for Pickleball Courts:

Mr. Hassan, Township Engineer, said the applicant proposes to remove a total of 4,000 sq. ft. building and replace it with a pickleball court of 4,352 sq. ft., and as part of this application, is a 316 sq. ft. storage building with attached restrooms and associated walks. The applicant appeared before the Planning Commission on May 25, 2021 and received a recommendation of approval for this application to move forward to the Board of Commissioners; also, the applicant received four variances from the Zoning Hearing Board and no waivers are proposed.

And because this project abuts residential, the applicant is required by ordinance to supply a low intensity buffer and the applicant will need to affirm that for the record. All other comments as listed in his review letter are minor and he recommends approval for the Board's consideration.

Mr. William Kerr, Attorney representing the applicant Rydal Waters, said we will comply with requirement to install low-density buffer.

Commissioner Zappone made a MOTION, seconded by Commissioner Winegrad to move this item forward to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Motion to consider a resolution of an offer of dedication on 646, 650, 700, 702, 706, 722, 730, 740, 748, and 760 Washington Lane and 1404 and 1405 Autumn Road:

Ms. Lauren Gallagher, Assistant Legal Counsel, said this was a land development dating back to the 1950's involving a dedication of a right-of-way and the resolution is formal acceptance of it, which will allow the Abington-Jenkintown Stormwater Project to proceed.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Winegrad asked for a map to be presented showing the area.

Mr. Tim Clark presented the map of Washington Lane showing the right-of-way.

Ms. Gallagher added that the dedication was never accepted by the Township, and it is recommended that the Board take that action.

Commissioner Winegrad clarified that now it will officially be recorded, and he is in favor of this item moving forward to the Board of Commissioners for consideration.

Manager Manfredi said if the Board approves this, we will send notice to all affected property owners who abut this right-of-way.

Commissioner Winegrad made a MOTION, seconded by Commissioner Vaughn to move this item forward to the Board of Commissioners Regular Meeting on August 12, 2021, and to amend the motion to direct Township staff to send notice to all homeowners who abut this right-of-way prior to next month's Board meeting.

MOTION was ADOPTED 14-0.

Consider a motion authorizing the Township Manager and Township Solicitor to research and prepare an amendment to the Township's open burning ordinance permitting recreational firepits:

Manager Manfredi said that Commissioner DiPlacido indicated that residents have expressed that recreational firepits was a matter that should be reconsidered by the Board, so he requested that it be discussed at this time, and then the Township Solicitor could work on whether there would be any legal implications. It has also been discussed with the Director of Fire Services as well as the Fire Marshal. The request is to research the matter and then come back to the Committee of the Whole with any recommendations in August.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Zappone clarified that the existing ordinance requires that firepits need to be 10 feet from a structure. Is that correct?

Fire Marshal Rohrer replied that the existing Township policy does not list any clearances for firepits and recreational firepits are prohibited. The only reference for clearance is that a BBQ grill or chimney shall be 10 feet from any combustible material.

President Spiegelman commented that he understands the reason for raising this topic and he is supportive as there is a lot of frustration by those who would like to sit around their firepits.

Commissioner Brodsky said he supports doing the research first before making any decisions on what is and is not acceptable.

Commissioner Myers suggested this matter be discussed with members of the five fire companies for their input.

Commissioner Bole made a MOTION, seconded by Commissioner Brodsky to approve researching and prepare an amendment to the Township's open burning ordinance permitting recreational firepits and then bring it back to the Committee of the Whole Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Motion to authorize the creation of a Comprehensive Recreation, Park and Open Space Plan Advisory Committee:

Commissioner Vahey said he is happy to sponsor this motion and he is proud of the work done by the Friends of Glenside/Weldon in raising funds for a new playground. The creation of a Comprehensive Recreation, Park and Open Space Plan Advisory Committee would be a vehicle to identify where investments can be made and where improvements are needed. He requested that the advisory committee consist of seven residents to include two additional appointees for a total of nine members, one appointed by the EAC and the other by the Shade Tree Commission.

Vice President Hecker asked for any other comments from Commissioners.

Commissioner Thompson said he wholeheartedly supports this initiative as it would be great for the Township, and he challenged Township Manager to help find a new Director of Parks and Recreation to assist with this initiative so that the advisory committee could hit the ground running as we move forward.

Commissioner Myers asked for the makeup of the advisory committee.

Commissioner Vahey replied he would like to chair the committee and then appoint six members from all over the Township with two additional members appointed, one from the EAC and the other from the Shade Tree Commission.

Commissioner Bole commended Commissioner Vahey on his leadership and noted that the goal is not just to appoint volunteers from across the Township, but also those with expertise, and he supports it.

Commissioner Schreiber asked about the process for making appointments to this committee.

Commissioner Vahey suggested that as a Board we will solicit residents from each of our wards who would be interested in participating.

Manager Manfredi added that the process is that the Board President would appoint a Chairperson and the Chairperson would make recommendations to the Board of Commissioners.

Commissioner Vahey made a MOTION, seconded by Vice President Hecker to send the proposal to create a Comprehensive Recreation, Park and Open Space Plan Advisory Committee to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Consider approving the installation of “Stop” signs as experimental on Cedar Lane at Hamel Avenue, Cricket Avenue at Jefferson Avenue, Grovania Avenue at Penbryn Avenue and Jefferson Avenue at Maple Avenue:

Traffic Safety Officer Freed explained that the proposal is to install experimental “Stop” signs as listed.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Zappone commended Officer Freed for his hard work regarding enforcement on Maple Avenue and Tyson Avenue, and he thanked him for it.

Commissioner Zappone made a MOTION, seconded by President Spiegelman to send this item forward to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Consider a motion authorizing advertisement of an ordinance amending Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 9 – “One-Way Highways Established,” Section 11 – “Turns at Intersections,” – 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; Section 28 – “Special Purpose Parking Zones” to add One-Way signs on Edge Hill Road, Left and Right Turn Prohibited signs on northbound and southbound Bradfield Road, “Stop” signs on Crescent Avenue at Fortune Road, Seminole Avenue at Montgomery Avenue, Woodlyn Avenue at Menlo Avenue, Silver Avenue at Parkview Avenue, Hunter Road at Woodland Road and Amity Road; “No Parking” signs on the 2500 block of Rubicam Avenue; “No Parking Here to Corner” signs on Cleveland Avenue, Cypress Avenue, Chester Avenue, and Corinthian Avenue; “No Parking Between Signs” on Miriam Avenue; “Handicapped Parking” signs on Shelmire Street and Clemens Avenue:

Traffic Safety Officer Freed noted that all items as listed were reviewed by the Traffic Safety Unit and the item of “One-Way signs on Edge Hill Road, Left and Right Turn Prohibited signs on northbound and southbound Bradfield Road” will be added to the ordinance as that is part of the Edge Hill Road/Tyson Avenue project.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Vaughn thanked Traffic Safety Officer Freed for the “No Parking” signs on the 2500 block of Rubicam Avenue as residents could not get out of their driveways because they were blocked by parked vehicles.

Commissioner Zappone made a MOTION, seconded by Commissioner Vaughn to move this item forward to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Motion to authorize the Board President to confirm the nominations for the Roslyn Fire Company Special Fire Police:

Mr. Tom McAneney said the Roslyn Fire Company has two members that wish to be appointed as Fire Police Officers and Pennsylvania statute requires that it be confirmed by the President of the Board of Commissioners. Background checks and drug testing are required, and as Fire Police Officers, they will have traffic control duties, which is controlled by the State, so that is why after Board approval, they will be sworn-in by the District Justice.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Winegrad questioned whether there are any budget implications.

Mr. McAneney replied no.

Commissioner Zappone made a MOTION, seconded by Commissioner Thompson to move this item forward to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Consider a motion to approve a resolution authorizing the extension of the agreement for recycling services with J.P. Mascaro & Sons, dated November 20, 2021, for an additional period of six (6) months with certain price changes for certain services:

Mr. Mike Jones explained that we are in the process of reviewing two RFPs for recyclables; one is for collection and transportation of recycling picked up curbside and the other is for the processing at the recycling plant. The timeline for this process will exceed the six-month extension that we are working under, and the request is for an additional six month's extension, and we hope to have a new contract in place by the end of that time.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Vahey asked for clarification on regular trash collection contract.

Mr. Jones replied that was for the trash transfer station with Covanta and that contract is for five years.

Commissioner Zappone thanked Mr. Jones for taking care of the Penn Avenue issue expeditiously.

Commissioner Zappone made a MOTION, seconded by Commissioner Thompson to move this item forward to the Board of Commissioners Regular Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Consider a motion to adopt a resolution on a policy for appointments to the various Boards, Committees, Commissions and Councils:

Commissioner Carswell said previously, she chaired an Ad Hoc Committee to recruit, interview to put together a slate of volunteers from the Township for the various Boards, Committees, Commissions and Councils. Although it was a fun role, it was a lot of work. The last time this was discussed, we decided postponing the process to review it further noting that many volunteers who serve on these Boards serve for five-years or longer as they stay engaged with their committee. Proposed are minor changes to the policy that are highlighted that include a first step in engaging those who are up for renewal and ask them about their interest in continuing to serve and then speak with the Chair of the committee and then posting open spots when they are confirmed open and then recruit new volunteers.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Schreiber commented that it is a great idea to begin the process earlier; however, she expressed concern about the timeline for interviewing the incumbents, and then weeks go by, and then interview potential candidates, which will be awkward.

Commissioner Carswell replied we need to start the process earlier as in the summer as previously we were running right up to the calendar's yearend, and it is important to engage with individuals who are up for renewal in a way that is respectful as they have been serving in these positions for a long time. Historically, they have been treated the same as potential candidates and it does not sit well with them, and then the Board of Commissioners can decide whether we need to open seats as their tenure nears expiration.

Commissioner Schreiber said she does not understand why there is a six-week gap from when the incumbent is interviewed and when potential candidates would be interviewed.

Manager Manfredi replied there are three processes; one is specific to the EAC and STC; one if someone leaves prior to their term expiring and, for example, if someone's term expires in January 2022, this process will require sending a letter to them by June 1st and then interview them by July 31st and then advertise and open the seat for potential candidates. This establishes a policy for incumbents to be interviewed first prior to it being open to the public.

Commissioner Schreiber asked will it be the Board of Commissioners or the Ad-Hoc Committee who decides whether the seat will be opened to the public?

Manager Manfredi replied that will need to be determined and then added to this process.

Commissioner Schreiber replied she would like for that to be determined and added to this policy.

Commissioner Carswell added that the process would be that the Ad Hoc Committee would share the interviews with the Board of Commissioners and then the slate of candidates would be presented for Board approval.

President Spiegelman commented that one of the issues has been that there was an assumption that an appointment was to serve until they did not want to anymore and the reason for the extra time will allow for communication with not only the incumbents but also time for input from the full Board of Commissioners to provide to the Ad Hoc committee as well as time for an exit interview with those who would be leaving to gain any pertinent information to provide to the new candidates.

Commissioner Brodsky said he would like to see a more defined policy. As for the various Boards, Committees, Commissions and Councils, “one size does not fit all” and he suggested considering whether the policy applies the same to all or each separately. He also suggested reviewing guidelines from other municipalities in Montgomery County as well as further defining the policy prior to adoption.

President Spiegelman commented that this is a revision to a defined policy that has been in place for many years, which was suspended to make sure reappointments were made at the end of last year for this year.

Commissioner Schreiber said the policy in place is adequate and she likes having a timeline, so we do not have that problem again; however, the length of the timeline is problematic and does not treat everyone the same. Also, the policy says, “All members of the Board of Commissioners are welcome to attend interviews.” Is that correct?

Ms. Gallagher replied we will make sure there would be no violations of the Sunshine Law.

Commissioner Bowman suggested that the policy should define that when volunteers are newly appointed, they will be informed that they would not automatically be reappointed, and if they are interested in being reappointed, they would need to go through an interview process, and the Board of Commissioners will make the decisions on appointments and reappointments.

Commissioner Bole agreed that it would be awkward to interview an individual early and then weigh that interview with other candidates who are interviewed months later. Usually, volunteers are looked at for reappointment and not necessarily with the general pool of applicants.

Manager Manfredi said it is possible that this policy may not take effect until 2022 as these policy questions need to be considered.

Vice President Hecker agreed that the questions raised are important and clearly there is a desire to discuss it further.

Commissioner Myers expressed concern that if there were three incumbents in one committee to be interviewed and only one or two were selected, and then we advertise for the open seat, that will create hard feelings. Also, she suggested setting term limits for all new volunteers.

Commissioner Carswell said part of the timeline process is for those to respond as to whether they are interested in being reappointed as well as time to get interviews scheduled. She shares the concern about how to make all the piece's line up, but her goal is to add a respectful communication process with our volunteers in a timely manner.

Commissioner Rothman commented that it is important to interview those who are currently serving and communicate with them about the policy, and he does not feel we have come to a solution about it tonight.

Commissioner Schreiber said although the proposed revised policy will not be in place this year, we need to begin the process earlier under the existing policy, so we do not run out of time.

Commissioner Vahey commented that if we are going to deliberate this further, it would be completely unacceptable to deviate from the existing policy for a second year in a row, and he would expect there would be interviews one way or the other.

Manager Manfredi suggested bringing this item back next month, and in the meantime, the Board of Commissioners can forward any comments to staff, which would be helpful.

Commissioner Schreiber made a MOTION, seconded by Commissioner Myers to move this item back to the Committee of the Whole Meeting on August 12, 2021.

MOTION was ADOPTED 14-0.

Vice President Hecker called on Commissioner Thompson.

Commissioner Thompson read a public comment from Patrick Kurcharski, from the 600 block of Monroe Avenue into the record as follows:

'Commissioners, please look into massage establishments in your wards. The other night I made a phone call to one in Keswick, and it was after hours, and a lady offered to open for me if I just called. Clearly, this lady seems to live in this facility and the ordinance regulates people living in there and operating hours, please keep landlords accountable. Pennsylvania State Laws state that, "Anyone knowingly benefits financially or receives anything of value from any act that facilitates trafficking activity is liable for punitive and treble damages." The landlords were advised that prostitution and trafficking was going on and they should have reported this when neighbors urged them to do so. I will follow up with an email to the Commissioners a list of concerning issues that I found in other wards concerning signs of trafficking.'

Cakky Evans, 1132 Lindsay Lane, commented that she agrees there should be an interview process for everyone and those already serving should not be favored as it should be an open process. Also, she clarified that the policy should note that the EAC are policy advisors per Act 148.

ADJOURNMENT: 9:29 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary