

The stated meeting of the Board of Commissioners Committee of the Whole of the Township of Abington was held via webinar and in-person at the Township Administration Building, Abington, PA., on Thursday, September 9, 2021, with Vice President Hecker presiding.

CALL TO ORDER: 7:37 p.m.

PRESENT: Commissioners THOMPSON via webinar, BRODSKY via webinar, BOLE via webinar, CARSWELL in person, ROTHMAN via webinar, MYERS in-person, ZAPPONE via webinar, BOWMAN via webinar, DiPLACIDO in-person, WINEGRAD in-person, VAHEY in-person, SCHREIBER in-person, HECKER in-person, SPIEGELMAN in person
Excused: VAUGHN

ANNOUNCEMENTS:

Vice President Hecker said earlier this summer, he along with Township Manager were charged with looking into public participation during the Committee of the Whole meetings and it evolved into a much more thorough review of how the Board conducts its business in general.

We have looked into the function of the Committee of the Whole examining the existing committees in trying to come up with a comprehensive proposal for the Board Commissioners to consider how we will conduct our business in the future. We are putting the finishing touches on it and it will be ready for thorough public discussion at our meeting in October.

He will provide a preview to each Board member of what is being contemplated to answer any questions so that we can have a substantive dialog about conducting business engaging around our highest priorities while maximizing opportunity for public participation in the process.

Manager Manfredi added that we did not lose sight of comments made by Commissioners regarding when public comments are made and how long the comment period should be.

Commissioner Carswell announced that she spoke with several Commissioners as well as the Township Manager about the policy for the interview selection/appointment process for the Township's various Boards, Committees, Commissions, and Councils, and based on the fact that discussions are still taking place as well as the review of our committee structure as a whole is still being worked on, she would like to remove this item from tonight's agenda so we can come back with a more detailed policy.

Commissioner Carswell made a MOTION, seconded by Commissioner Vahey to remove Item c. to consider a resolution for a policy for appointments to the various Boards, Committees, Commissions, and Councils from tonight's agenda.

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

MOTION was ADOPTED 14-0.

CONSIDER APPROVAL OF MINUTES:

Vice President Hecker made a MOTION, seconded by Commissioner Myers to approve the minutes of the Board of Commissioners Committee of the Whole Meeting of July 8, 2021.

MOTION was ADOPTED 14-0.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Lora Lehmann requested that public comments be taken at the end of this meeting; also, she asked for the public policy to involve the public; and it should be five years after someone left that something could be named after them; and that the EAC should have reviewed the medical center patio and she is opposed to it due to flooding.

Cakky Evans, 1132 Lindsay Lane, commented that the EAC and Shade Tree Commission made recommendations on the Rydal Park Medical Center patio, and if this is approved, the applicant should be held accountable for monitoring it.

UNFINISHED BUSINESS:

Consider a resolution amending the policy regarding the Naming of Township Facilities:

Manager Manfredi said back in 2017, a policy was created for the Naming of Township Facilities, and in 2020, there was a proposal to strike the three-year requirement as there was a request in naming a facility prior to the three years. A few Commissioners have asked that Mr. Edmund R. Micciolo, who worked for the Township for over 40 years was recognized as he worked very hard on the War Memorial Park at War Memorial Island, and for the restriction to be lifted, so it could be named after Mr. Micciolo before Veteran's Day, which requires consideration and a vote by the full Board next month. The request is to name the War Memorial Island to add Edmund R. Micciolo Park at War Memorial Island.

Previously, there was a misunderstanding that War Memorial Island was being renamed and that is not the case. It is a recognition of the memorial that was built in the park at War Memorial Island, and due to this provision, he cannot process the request. The Board may consider making an exception to the provision if it is decided to keep the three-year restriction in place.

Solicitor Clarke said this is purely a discretionary policy of the Board of Commissioners that can be amended as they see fit or in a particular circumstance choose to waive a provision. The language is more of a guideline as opposed to a hard rule, so if the Board chooses to deviate from it, that is within your discretion to do so.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Myers said that park would not be there if it were not for Ed Micciolo, and if he were here, he would be the first one to say it was a team, and it was a team, but it never would have happened without Ed. War Memorial Park is gorgeous and something we are so incredibly proud of and a place where you will take your children and grandchildren to visit.

President Spiegelman said he shares Commissioner Myers commitment, and the irony is that if Ed Micciolo were here, he would be the last person who would want anything named after him, so it is only something that could happen in his absence, which is felt every day. This is an important naming one that he may never encounter again in his time here and it is an acknowledgement and a “thank you” to one of the best friends this Township ever had.

Commissioner Schreiber said she would be in favor of keeping the policy as is, but instead vote on this item, and in the future if another comes up, vote on that specific item instead of changing the entire naming policy.

Commissioner Vahey said if we do not need to vote on the policy, then what are we voting on tonight?

Vice President Hecker replied we will be voting on whether to move this matter forward to the Regular Board Meeting in October.

Commissioner Vahey said with all due respect and to give Mr. Micciolo the credit for his work on the park; we need to be careful on how this is done with respect to a very important Township memorial.

Manager Manfredi suggested that the Board consider a motion that would waive this provision of the resolution this one time and to name the War Memorial Island to add Edmund R. Micciolo Park at War Memorial Island.

Solicitor Clarke clarified that since the Board is deviating from an existing policy, there should be a vote; however, since this is a committee meeting this matter would move forward to the Regular Board Meeting in October where it could be amended if necessary and then voted upon.

Commissioner Myers made a MOTION, seconded by President Spiegelman to move forward to the Regular Board Meeting on October 14, 2021, to approve waiving the provision of the policy of the Naming of Township Facilities, and to consider the name of War Memorial Island to add Edmund R. Micciolo Park at War Memorial Island.

MOTION was ADOPTED 14-0.

Consider advertising Ordinance No. 2185 amending Chapter 65 – Burning:

Commissioner DiPlacido said in collaboration with his fellow Board members, Township Manager, Township Solicitor as well as the Fire Marshal's Office, we came up with something that would give residents the ability to have a firepit in their backyard with guidelines and rules on how to operate one safely. Halloween season is upcoming, and he polled hundreds upon hundreds of residents and 98.5% were in favor of having a firepit. He requested to move this matter forward to the full Board for a vote to approve advertisement of amended Ordinance No. 2185.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Zappone said this law has been on the books for years, and he would like to hear from the Fire Chiefs and Fire Marshal.

Manager Manfredi replied both Mr. McAneney, Director of Fire and Emergency Services as well as Fire Marshal Rohrer have reviewed and commented on the draft amendment to the existing ordinance.

Mr. McAneney added that we made recommendations and we will enforce whatever regulations that are passed by the Board.

Commissioner Zappone questioned whether there will be a regulation to require that the firepit be a certain distance away from a residential structure, shed or wooden fence.

Solicitor Clarke replied that the ordinance as drafted requires that all recreational fires shall be at least 20 feet from any structure, property line or combustible material.

Commissioner Myers noted that the previous ordinance includes a provision regarding smoke from a firepit going into a neighbor's home in which the Fire Marshal has the authority to address, so will that remain in the amended ordinance?

Manager Manfredi read from the amended ordinance that says, in part, "In determining whether a condition is noxious, hazardous, or excessive, the Abington Township police officer, Fire Marshal or other duly authorized agent of the Board of Commissioners shall utilize 65.3.B. (4) (a) and (b)."

Commissioner DiPlacido noted that a lot of the same language remains and smoke from firepits was incorporated as well as a few additional stipulations.

Commissioner Zappone expressed concern about residents with severe asthma and those with emphysema as he has received complaints from residents with breathing issues because of their next-door neighbor lighting up their firepits. Will those factors be included in the amended ordinance?

Solicitor Clarke replied that we are incorporating language that defines a firepit; defines their specific size; and language for not permitting them if there is a drought or water emergency, and all the original protections of the existing ordinance still exist.

Commissioner Zappone questioned whether there is language protecting those with medical infirmities such as asthma and emphysema.

Solicitor Clarke replied that language was not in the original ordinance.

Commissioner Zappone questioned whether that language could be added.

Commissioner DiPlacido replied that he will discuss it further with Commissioner Zappone and include Township Solicitor.

Commissioner Zappone said he wants to be sure there is language in the ordinance to address that issue.

Commissioner Myers noted that in the original ordinance under Exhibit "A" there is a paragraph that says, "Excessive smoke and odors are considered excessive if they are perceptible beyond the property line of the source of the fire and, in the opinion of the Abington Township Police Officer or Fire Marshal, are causing an unreasonable interference with the use and enjoyment of another person's property," so perhaps that language could remain in the amended ordinance, which would cover those with medical issues.

Manager Manfredi said there is concern that Township officials would get in between a neighbor dispute, and this amendment is to balance all individual's property rights to enjoy the use of their property without inflicting any harm to the health, safety, and welfare of their neighbors.

Commissioner Bowman said the existing ordinance has a provision for excessive smoke and the police can look into it, and he does not feel we can write anything about asthma into the ordinance.

Commissioner Zappone said he wants to see language in the ordinance that will protect him as well as his residents who have medical infirmities.

Solicitor Clarke said there is a section in the existing ordinance, which is not being removed that says, "if it constitutes or creates a nuisance or health risk beyond the boundaries of a site on which the condition is located by reason of dissemination, smoke or noxious odors or endangers surrounding areas by reason of fire or explosion."

President Spiegelman said he feels confident that the modification of the ordinance still provides the police and fire department personnel the discretion to determine the situation and respond appropriately.

Commissioner DiPlacido made a MOTION, seconded by President Spiegelman to move this item forward to the Regular Board Meeting on October 14, 2021.

MOTION was ADOPTED 13-1. Commissioner Zappone opposed.

NEW BUSINESS:

Consider approving the Minor Land Development Plan for the Rydal Park Medical Center Patio located at 1515 The Fairway:

Mr. Hassan, Township Engineer, said this is Land Development Application LD-21-06 – Rydal Park Medical Center Patio located at 1515 The Fairway. The applicant presented before the Township's Planning Commission on August 24, 2021 and received recommendation of approval. The project is located within the A/O District and the applicant proposes to remove approximately 650 sq. ft. of existing concrete sidewalk and construct a 2,600 sq. ft. patio and water feature for a total of 2,071 sq. ft. of impervious surface. The applicant also proposes outdoor seating, a pergola structure for the patio, outdoor grill, kitchen, and island. In addition, the applicant proposes stormwater management facilities and landscaping.

Based on FEMA's Flood Insurance Rate Map (FIRM) effective March 2, 2016, portions of the parcel are located within the floodplain; however, based on detailed grading plan dated February 6, 2009, last revised November 5, 2009, as provided by the applicant's engineer and as part of the land development application, it was determined that based on the elevations shown on the plan that proposed site improvements are located outside the FEMA floodplain boundaries.

On April 20, 2021, the Zoning Hearing Board granted six variances for the site that included conditions.

Also, waivers requested by the applicant are as follows:

Section 146-11A (4) – Property Identification Plan.

Section 146-11 B (3) - Existing Features Plan.

Section 146 -11 B (7) - Existing Features Plan.

Section 146-11 J - Recreational Facilities Plan.

Section 146-11 K – Sewer Modules.

Section 146-11 M (1) (a) – Sanitary Sewer Availability.

Section 146-11 M (1) (b) – Documentations.

Section 146-33 C – Drainage Location.

Section 146-33 D – Drainage.

Section 142-302 B (2) (a) – SWM Plan Contents – in addition to the information shown on the existing features plan on Sheet 3, the applicant should include the identification of the steep slope areas; however, the applicant may wish to consider requesting a partial waiver from this section of the code for the site due to the limited size and scope of the project.

Township Engineer supports waivers as listed. Also, comments were received from the Shade Tree Commission and EAC on August 19, 2021, and the applicant agreed to address all comments of those two letters. He recommended that the Board consider preliminary/final approval of this application.

Vice President Hecker asked for any comments from Commissioners.

Commissioner Winegrad said this is in Ward 7, and he will reserve his questions/comments should this item move forward to the full Board for consideration.

President Spiegelman made a MOTION, seconded by Commissioner Vahey to move this item forward to the Regular Board Meeting on October 14, 2021.

MOTION was ADOPTED 14-0.

Board of Commissioners Committee of the Whole Meeting

September 9, 2021

ADJOURNMENT: 8:33 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary