

The stated meeting of the Board of Commissioners of the Township of Abington was held via webinar and in-person at the Township Administration Building, Abington, PA., on Wednesday, November 10, 2021, with President Spiegelman presiding.

CALL TO ORDER: 6:30 p.m.

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

Also Present: Township Manager MANFREDI
Township Solicitor CLARKE

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENT:

President Spiegelman announced that the rescheduled Future Land Use Public Workshop as part of Vision 2035 of the Abington Township Comprehensive Plan will be held on Saturday, November 13, 2021, from 1-3 p.m. at the Crestmont Clubhouse in Crestmont Park.

Also, one of tonight's agenda items is the Public Hearing on the Penn State Map and Text Amendments and public comment will be permitted during the public hearing.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

Stephen Moss, 1226 Oliver Road, expressed concern about the Meinel project that includes six homes to be built and House #3 will take up approximately a little more than half of the view from his backyard, and so it will be an eyesore and decrease the value of his home and privacy, so he requested that the home be pushed back further on the property.

Mike McClernand, 1234 Oliver Road, said regarding the construction of homes to be built on Meinel Road; since 2017, there has been an easement on the property, and he requested additional time to discuss with Mr. Kozlowski additional concerns as the agreement was just sent this week; also, Mr. Kozlowski was asked to clean up the property in which there are weeds growing through the fence that is in disarray.

Jacqueline Myers, 552 Hoyte Road, commented that her concern is about flooding with six homes being built and increase in impervious surface. The proposed basin is very small and how will the HOA address any flooding concerns and what about their fees.

Monica Vandergrift, 531 Abington Avenue, commented that she supports using some of the ARPA (American Rescue Plan Act) funds for an inclusive playground.

Lora Lehmann expressed concern about the basin being installed under a paved road that the Township will take possession of, and she is opposed.

Steven Miller, 131 Egerton Avenue, commented that he has a child with mobility issues, and he wants the Board to understand how much of a critical need this inclusive park is for our Township and the ARPA funds is truly needed to make this park a reality for more inclusion and accessibility.

Joe Rooney, Maple Avenue, announced that today is the Marine Corp's birthday, and he wished a Happy Birthday to employees who are also Marines. He requested that taxes not be raised next year. Also, he reviewed the Open Records Law and paragraph 710.1C gives all residents the opportunity to speak at any meeting when they see a violation.

Cakky Evans, 1132 Lindsay Lane, questioned whether the Meinel project was reviewed by the EAC. Also, she gave kudos to the Abington Police Department for requesting police-hybrid vehicles, and she asked for the Board to support them in every way possible.

CONSENT AGENDA:

Vice President Hecker made a MOTION, seconded by Commissioner Zappone to approve Items a.-c. as listed under Consent Agenda as follows:

To approve the minutes from the Board of Commissioners Regular Meeting of October 14, 2021.

To recommend approval to enter into a one (1) year agreement with the County of Montgomery, beginning October 1, 2021, and ending September 30, 2022, with two (2) additional, one (1) year extensions for providing snow and ice clearance on County highways, bridges, sidewalks, and approaches.

Financial Reports for September 2021 including Investments, Clearing Fund; Deferred Revenue/Expense Activity; Petty Cash Balances; Travel Expenses and Statement of Conditions.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS:

BOARD OF COMMISSIONERS:

Item BOC-02-090921:

Commissioner Brodsky commented that there has been previous discussion about this issue and there is an agreement pending. Many of the immediate neighbors of Meinel Road are here this evening and it is their desire to have some additional time to meet with the developer and he is o.k. with that as it is a good-faith effort for negotiations and then this will come back in December for a final vote. He made a MOTION to TABLE Item BOC-02-090921 until next month's Board meeting.

Mr. Steven Kozlowski, 872 Jenkintown Road, said he has been working on this project for quite some time, and for the past two years, he has been trying to get the fully approved plans recorded and has received resistance from the Township. So, he agreed to install a stormwater management system underneath the road and a Homeowners' Association for the development, which was the Township's desire. He met with the neighbors last month and spent a lot of money on legal fees in coming to this agreement, and he would like a vote on it tonight.

Commissioner Brodsky said in looking back on the history and why we are here this evening, much of the complaint is self-imposed on the part of Mr. Kozlowski, and 30 days will not make much of a difference as the project would not begin until the spring, and that is what is being requested by the neighbors and should be considered.

Mr. Kozlowski replied that he would be happy to meet with the neighbors; however, he would like a vote on the current agreement tonight.

Commissioner Brodsky said the neighbors would like to meet first, and their request should be honored.

Commissioner Bowman commented that we put this off last month for this intention and we were told it would come back for a vote, so he would like to vote on it tonight.

Commissioner Zappone said if the ward Commissioner has met with the residents, the taxpayers of that area and they want more time to get additional information, it is a “no-brainer.” This is what the residents want, and this project will affect them, so there is no harm in giving them some extra time, and he agrees with Commissioner Brodsky.

Solicitor Clarke said this development was approved back in 2017 and it went through the process of being submitted to the Planning Commission, reviewed by Township staff, and it was approved. If it were not for the fact that the developer was not able to get his plans recorded, we would not be here this evening.

So, a few years later, Mr. Kozlowski brought the project back to record his plans and then the Township Engineer reviewed the stormwater management and had concerns, and then there were discussions with the attorney representing the developer essentially being unable to reach an agreement regarding the stormwater management system, so the Board of Commissioners voted **not** to extend the deadline for recording of the plan.

It was subsequently appealed to the Montgomery County Court of Common Pleas where it is now and discussions continued with the applicant’s attorney in which we reached an agreement regarding the stormwater management system, which will be in the street and the street will be dedicated to the Township, but the Homeowners’ Association will be responsible for the maintenance and repair of the system.

As part of this agreement, there will be a separate stormwater management agreement, and in the agreement, it will lay out the responsibility of the individual homeowners and the HOA to manage the stormwater management system.

DIVIT, the Township’s insurance carrier has contributed some money to help defray the cost and the Township is in active litigation at this time, so from the Township’s perspective, there is nothing further to negotiate because some of the issues that were raised by the residents this evening are not related to what is at the heart of the lawsuit, which is who will manage and be responsible for the stormwater management system.

President Spiegelman said if this were to be put off for another month, would there be any potential legal/financial jeopardy for the Township and taxpayers.

Solicitor Clarke replied the money contributed by DIVIT was with the expectation that it would be resolved by sometime in October, and then when it pushed back, so we informed DIVIT, and their expectation is that the matter will be resolved this month. The risk would be if the applicant does not wish to go forward with the settlement or continue with the lawsuit then the Township could be at risk if the money from DIVIT is no longer available, which is in the amount of \$10,000.

Manager Manfredi noted that DIVIT's contribution to this settlement agreement was because the Township chose to have its counsel represent the Township in this matter. If this does not get resolved, he does not believe DIVIT will contribute that money again, so the Township will need to pay the cost of the litigation if it proceeds.

Commissioner Brodsky said with any litigation there is always risk in what the courts may do; risk in what the parties may or may not do; and based on his involvement with this matter, he believes it is the indication of both parties that they would like to eventually put this to rest and reach an agreement. He believes the neighbors just want to tweak some points and he is hesitant to foreclose on their one last opportunity because the residents have made it abundantly clear that they want this opportunity, and it is not unreasonable. He does not see the harm in taking a vote next month, but if we are dictated by the insurance carrier then maybe that is an issue.

Commissioner Zappone seconded the MOTION to TABLE Item BOC-02-090921 until next month's Board meeting.

President Spiegelman asked for a roll call vote on the motion on the floor as follows:

Commissioner Thompson voted yes.

Commissioner Brodsky voted yes.

Commissioner Bole voted yes.

Commissioner Carswell voted yes.

Commissioner Rothman voted yes.

Commissioner Vaughn voted yes.

Commissioner Schreiber voted yes.

Commissioner Vahey voted yes.

Commissioner Winegrad voted yes.

Commissioner DiPlacido voted yes.

Commissioner Myers voted yes.

Commissioner Zappone voted yes.

Commissioner Bowman voted no.

Vice President Hecker voted yes.

President Spiegelman voted yes.

MOTION was ADOPTED 14-1.

Commissioner Brodsky said he expects that both parties will negotiate in good faith and in earnest trying to get this resolved that is acceptable and agreed to by all parties.

LAND USE COMMITTEE:

Item LU-02-090921:

Commissioner Thompson said he will recuse himself from the vote and discussion on agenda Item LU-02-090921 as he is an employee of KCBA Architects who is the architect of record on the project.

Commissioner Schreiber said she will recuse herself from the vote and discussion as she is an employee of Penn State Abington as she has done previously on other votes involving Penn State.

Commissioner Winegrad made a MOTION, seconded by Commissioner Vahey to adopt proposed Ordinance No. 2186, an ordinance amending the Zoning Ordinance of the Township of Abington, providing for, and regulating a college/university campus use in the CS Community Service District and to adopt Ordinance No. 2187, an ordinance amending the official Zoning Map of Abington Township, by rezoning three parcels from the residential low density (R-1) Residential District to the (CS) Community Service District.

President Spiegelman opened Public Hearing on proposed Ordinance No. 2186 and Ordinance No. 2187 as listed under agenda Item LU-02-090921.

Dr. Margo DelliCarpini, Chancellor of Penn State Abington, introduced representatives of Penn State University Park, Eastburn & Gray, KCBA Architects, Traffic Planning & Design, and Civil Engineer with Gilmore & Associates.

Penn State Abington is seeking approval from the Board of Commissioners to adopt the proposed map and text amendments that would provide Community Service zoning for its contiguous campus and the text amendment would create an E-18 use for college/universities that have different needs from K-12 campuses.

Project overview consists of a new building for 21st Century learning of academic space providing state-of-the-art classrooms and technology to meet the needs of existing students, and the building will be LEED certified. The rationale is to be competitive with other colleges and universities investing in people, our community, and facilities. To provide learning spaces that meet the needs of today's academic and professional standards and expectations; and to enable Penn State Abington to provide high quality education that students are entitled to and expect from a world class institution like Penn State, and this will be the first new academic building constructed on campus since 1973.

The project began in 2014 with the completion of the Master Campus Plan, and between then and now, there has been feasibility studies; a number of community forum events; and we have worked with Township staff. The formal process began in July of 2021 with appearance before the Committee of the Whole and twice before the Planning Commission, and in September 2021, before the Board of Commissioners. We met with the neighbors to address community concerns and the proposal was revised to reflect our partnership with the community and to being an asset to the region. We will continue to collaborate with the Township as well as the community going forward.

Traffic/Transportation mitigation strategies implementing parking permit fees and distribution controls resulting in a 36% reduction in permitted vehicles traveling to campus; reduced YellowBird route frequencies; installed digital speed limit signs on the campus side of residential streets; Penn State and Abington Police enforcement, and discounted SEPTA commuter pass.

Future mitigation enhancements under consideration are digital parking space counters/electronic displays at lot entrances; bike-share program with community access; additional off-campus parking venues and incentivizing alternative modes of transportation (ride-sharing/walking/biking).

Mr. Marc Jonas, Attorney with Eastburn and Gray representing Penn State Abington, said the request tonight are two legislative amendments. The university is zoned primarily CS Community Service except for three parcels and the map amendment will rezone them to CS Community Service.

Proposed zoning text amendment will allow Penn State to build the academic building and we have prepared an existing comparison chart of the existing E-14 use and suggested revisions to accommodate a college/university and proposed is the creation of an E-18 use, which is a new category of college/university campus. Also, former Township Commissioner Kline is here this evening to discuss when creating a new zoning ordinance for the Township there were certain large significant parcels of the Township that were not completely addressed, and Penn State is one of them.

Map amendment was presented highlighting the location of the new academic building as well as the three parcels zoned R-1, which are the subject of the map amendment. Information was presented on properties located at 1639 Cloverly Lane with lot size of 30,633 sq. ft., 1665 Cloverly Lane at 30,400 sq. ft. and 1681 Cloverly Lane at 43,560 sq. ft., and they will be used for administrative functions such as Human Resources, Information Technology and Strategic Communications.

A comparison of the existing E-14 use, and proposed E-18 use requirements were listed noting the E-18 use includes a requirement for a traffic study depending on the impact of proposed use. Township Engineer confirmed that the area to be disturbed for the academic building will not involve any steep slopes.

He requested that the Board of Commissioner vote favorably on both proposed map and text amendments tonight.

Ms. Stacey Thomas with KCBA Architects representing Penn State, said the site was selected primarily for its openness and it is large enough to construct the building onsite and maintain a generous amount of green space between the building and the street; also presented was the conceptual site plan. Proposed access-drive off Cloverly Lane was selected to avoid having any residences across the street and existing topography and landscaping allows for good sight lines from that position for traffic exiting the driveway, and the driveway is proposed to connect to two parking areas. Also, on the small extension of Lot "L" along Cloverly Lane, we are proposing a landscape buffer between that parking lot and Cloverly Lane, and a second parking area on the other side of the building.

Including the proposed academic building, the overall building coverage on the campus would be at 8.4%; the impervious coverage would be at 40.2% and corresponding green area at 59.8%.

Preliminary images of conceptual design of the academic building were presented noting that the building will be used for academic space, classrooms, and offices, and it will be a three-story building (two-story volume facing public street) at 74,100 sq. ft.

President Spiegelman asked for any public comments.

Lucia Weiss, 1345 School Lane, commented that there are many questions the neighbors still have as there are far-reaching consequences to this amendment that will be here for a long time and not just for the neighbors of Penn State but for various areas around the Township, so she requested postponement of the vote on the amendment until we can get answers and clarifications to our questions/concerns.

Rosemary Patricelli, 1271 School Lane, commented that the neighbors have a different recollection of the adequacy of communications they had with members of Penn State and a vote on this text amendment is premature as there are approximately 25 questions that have yet to be satisfactorily answered.

Student of Penn State Abington said she is a student leader and advocating for herself and her peers as the students are paying a lot of time for quality education at this top ranked university. She as well as other students compare this campus environment to a high school as there is a lack of space to explore on-campus. She is here to advocate for the expansion, which will bring new opportunities to grow and experience college in a more profound way. We deserve the new academic space that will meet the needs of today's professional expectations and prepare students for the workforce after graduation.

Stan Singer, resident, graduate, and former Chairman of the Advisory Board of Penn State Abington, said he is an advocate of the new academic building as well as the crucial task of being sensitive to community concerns. This project is about the ability of young adults to be given the opportunity to elevate themselves by obtaining higher education in a modern up-to-date facility to prepare themselves for a competitive and technology-advanced world.

Since 2014, there has been meetings with Penn State where they shared all aspects of the project and received feedback and made architectural changes. Numerous studies and gatherings have taken place regarding zoning, and this is the first new academic space built on campus since 1973. He respectfully requested that the Board advance and approve Penn State's request.

Student of Penn State Abington said we do not have enough space and need more. This year alone, she had different classes in the same classroom, and we deserve more room. Please understand that the new building will be the first since 1973 that will provide state-of-the-art modern learning space that will meet today's expectations.

President Spiegelman recessed the public hearing at this time.

President Spiegelman permitted a public comment on a non-agenda item.

Adele Kubel, 1848 Ambler Road, commented that Abington's Town Center is in decline and suffers from crumbled sidewalks/curbs and there is litter and debris on a regular basis. She asked for the maintenance to be a priority, and she has a petition signed by over 200 residents of Abington Township who agree. She has made calls and provided photos, but the blight continues to fester and the deteriorating environment and health concerns that come from a blighted area should be a priority.

President Spiegelman reopened the public hearing on the matter of Penn State.

Patrick Jones, 235 Roberts Avenue, requested that the Board vote “yes” as this is a very reasonable proposal that is within the perimeter of the campus that is greatly needed by Penn State, and they have worked with the neighbors.

Cathy Gauthier, resident, commented that regarding the increase of impervious surface from 40% to 45%, given that this is a 44-net acre site that would allow two more acres+ of paving and that would be an unintended consequence, so this should be reviewed carefully, and she would like to see a lower impervious surface ratio.

Also, the 12 ft. wide planting island for the street between the houses and parking will be an issue when plants begin to grow and that needs to be made larger. Also, she suggested getting students involved in making the site greener.

Mike Tobin, 642 Kirkwood Avenue, said regarding the impervious surface requirement; the E-14 use is 40% and the E-18 is 45% and it was stated by Penn State’s engineer that it would be 40.2%, so why not leave it at 40% and grant a variance for that site. In addition, green space goes from 62% to 55% and it was stated by their engineer they were looking for 60%, so why not leave the requirements of 40% and 62% and the applicant can apply for a variance as opposed to a text amendment on those specific items. Also, how will this text amendment impact Manor College as it is right in his backyard?

Student of Penn State Abington expressed support for this effort going forward. Penn State is one of the top universities of the world, yet it is upsetting that we have the lowest square footage per student among all the 19 Commonwealth campuses, and it is crucial for students to have the space to comfortably learn.

Student of Penn State Abington commented that they deserve this new building because it can give provide individual office space.

Joan Pouch, 1748 Woodland Road, asked for the vote to be delayed as her concern is about traffic and parking.

Student of Penn State Abington questioned why anyone would disapprove of such an important and necessary addition to the campus as it will keep students engaged in learning giving them the space that they need to pursue their interests, continue their education, and grow.

Lora Lehmann, resident, commented that a college was packed into a small neighborhood, and after this building is built, they will continue to outgrow it. She expressed concern about impervious surface increase and the amount of green space.

Jeannette Dimeo, 717 Martin Road, commented that we need to preserve our permeable surfaces and not decrease it as flooding is a concern.

Karen Marci Jones, 235 Roberts Avenue, resident, and employee of Penn State Abington, said she has worked there for four years, and she has seen how her colleagues worked in good faith on this project. An investment in Penn State Abington is an investment in Abington Township and its residents and it is a significant contributor to the local economy, and she urged the Board to approve the zoning amendment this evening.

Brian Bamberger, 947 Frog Hollow Terrace, said he is Vice President of Rydal/Meadowbrook Civic Association and liaison with Penn State. He commended Penn State for making changes to support the residents and their concerns; however, our concern is fitting the building into the community, and to-date, there seems to be some issues such as impervious surface that needs to be addressed, which can be done through proposed ordinance; subsequent land development planning; and other approvals needed for construction going forward. We are confident that the new Chancellor has dedicated to resolving issues with the local community and their concerns through the development process and we support the ordinance with the adjustments to address the concerns of the immediate neighbors, and the Civic Association offers its help to address the issues of the residents.

Douglas Nadel, 1648 Cloverly Lane, commented that increasing the impermeable surface from 40% to 45% is completely unacceptable and so is allowing it to be 40.2%, which will cause more soil erosion, flooding, pollution, and less green space. So, if the proposal is slightly over 40%, they need to remove that additional impervious surface.

Matt Renn, 1819 Kimbell Avenue, said he works at Penn State Abington and supports tonight's proposal because he supports education, Penn State and Abington Township, and he is proud to be in Abington because it has one of the best school districts in the State and home to one of the best hospitals and lucky enough to be partnered with one of the best universities in the country, so please vote "yes" tonight.

Steven Kline, 940 Washington Lane, former Township Commissioner, commented that this is exactly what was expected when we revised the zoning ordinance back in 2017. The Zoning Ordinance Committee contemplated changes to the ordinance relating to Manor College and Penn State and we also considered changes to both Holy Redeemer Hospital and Abington Hospital. When we discussed it, we realized that getting involved without the stakeholders being involved would be foolhardy, and that at a certain time in the future, the campuses would need assistance with zoning for expansion of their property, so what Penn State is doing today is exactly what was expected, and he fully supports their proposal.

Also, 45% impervious surface is exactly what is needed for this property, and most of the campus and homes have no stormwater management facilities on the properties. This proposal will be subject to all stormwater management ordinances of the Township, which require capturing 100% of their stormwater and discharge it into the ground.

This proposal will provide the facilities that are necessary to maintain the current population of the school and provide the needed space for the student body, so he hopes the Commissioners will vote in favor of it.

President Spiegelman asked for any comments from Commissioners.

Commissioner Brodsky commented that it was very interesting to hear comments from former Commissioner Kline as his insight on what occurred when the initial parts of the ordinances were being developed. It is a unique opportunity to have someone provide what the legislative intent was with respect to current zoning ordinances, and he appreciates Commissioner Kline voicing his support.

Also, he appreciates the amount of time Vice President Hecker has put into this effort, and his insight and opinions are to be well-considered and reasoned, so he supports what is before us at this time and he is good with it.

Commissioner Winegrad said he appreciates that this has been thoroughly vetted by the neighbors, Township staff and the Planning Commission. Referring to Ordinance No. 2186 – 7 e. regarding a traffic study that would be required if it generates 3,000 trips per day, if it is decided by Township staff that a traffic study is needed, he would like to see that done.

Mr. Pete Spisszak, Senior Project Manager with Traffic Planning & Design representing Penn State, replied that the number of trips referenced in proposed ordinance are from Township's Traffic Engineer, which is generally what PennDOT would require for a traffic study. PennDOT's requirement is 3,000 trip threshold per day or 100 directional trips per hour and there are other thresholds in the text amendment that are lower criteria than that.

Commissioner Winegrad said he wants the Township staff to have discretion if they feel a traffic study is important, and if there is ever question, the applicant will defer to the Township. Is that correct?

Mr. Spisszak replied there is always discretion by the Township or PennDOT to require a traffic study.

Solicitor Clarke said text amendment says that a “traffic study is required for a new building or other improvements that meet any of these standards” and he clarified that there are defined standards in which Township’s Traffic Engineer will review to determine whether there should be a traffic study. Is that correct?

Mr. Spisszak replied yes, exactly, and Item e. 4 of the text amendment says that “an increase in peak hour traffic greater than 5% of the existing volume of the surrounding residential community,” so there is “wiggle room” for the Township to require a traffic study.

Mr. Jonas added that his recollection is that those standards were recommended by the Township’s consultants and Penn State agreed.

Commissioner Winegrad said he has heard complaints from Ward 7 residents about traffic and parking relating to the Lions Gate residence, and he requested that Chancellor DelliCarpini do her best in trying to find additional parking as the less students who drive on that campus, the less problems there will be for the neighbors.

Chancellor DelliCarpini replied we are diligently working to find parking space off-campus for students and staff.

Vice President Hecker said it is a challenging circumstance when implementing change in the community that has the potential to impact the nearest neighbors, which is why, when he entered the scene two years ago, he connected with residents to understand what their primary concerns were, and over the past two years, we worked to address it recognizing we may not be able to address every individual’s concern. This will continue to be a partnership between the Township, Penn State Abington, and the community to ensure that the final product is something that the community and Penn State can be proud of.

The original proposal included language in the amendment to rezone two properties across the street on Cloverly Lane, which for the residents was a major nonstarter and Penn State agreed to remove that from their proposal, so it was taken out of the proposed amendment.

There were concerns about how trash would be stored at the new building because there was a change in the language that would have made this visible from the street as opposed to being contained within the structure as currently required in E-14 use, and we able to secure an agreement for that to happen.

There was concern during last week’s neighbor meeting about high intensity buffers because Penn State is choosing fencing and we have secured a commitment from Penn State that they will not use fencing as a high intensity buffer, and it will be shrubbery, which is consistent with the remainder of the neighborhood.

We have concerns from residents about the impervious surface coverage and he agrees with them, so he asked for further explanation of the language that will be introduced into the text amendment to address most of those concerns. Also, there is an issue about the 30-calendar days notification of when there will be events on Penn State's property that also needs to be clarified.

Mr. Mike Narcowich, MCPC, Abington Township's Planning Consultant, said proposed changes include have a ceiling on impervious coverage of 40% rounded to the nearest whole number and likewise the minimum green area would be "boosted" to 60% also rounded to nearest whole number. Also, language regarding notification says "organized activities such as graduation ceremonies or campus activities will require administrative review and approval by the Township. The Township's approval shall not be unreasonably withheld, and the Township shall have 20 business days for receipt of the request for its review and such requests shall be submitted by hand delivery or First-Class Regular Mail to the Manager's Office. If the Township does not respond within that time, the request will be considered approved."

Also, in terms of Manor College, the maximum height has increased in proposed text amendment from 45 ft. to 55 ft. only when meeting numerous provisions including 100 ft. setback; high intensity buffer used along residential district boundaries; and the provision of renderings and elevations of each new building façade visible from the street as viewed from the street require to deter and compliance; and development of at least 30,000 sq. ft. of new floor area or outdoor activity area of at least two acres is no longer required to be approved by conditional use.

Currently, a Master Facilities Plan is required for new buildings at least 50,000 sq. ft., and the proposal is that a Master Facilities Plan would be required when at least two buildings of 80,000 sq. ft. are proposed unless a plan has been submitted within the past three years, and those buildings do not include accessory buildings, it only applies to non-accessory buildings.

Buildings will no longer need to be setback 300 ft. from residential uses and there are requirements for a traffic study. There are requirements for parking lot landscaping and the chapter for landscaping in zoning would no longer apply related to requirements for parking islands and planting strips. A 12 ft. buffer would be permitted for new vehicle parking located within a public street and within a screening buffer.

Parking lots do not need to be interconnected unless buildings, water bodies or steep slopes prevent it, and currently in the CS District there is a requirement that parking may not be permitted in the front yard, which would be superseded by university campus regulations, and currently no building shall exceed 320 feet in length and proposal is to reduce that to 300 feet; regarding loading berths, proposal is one for 20,000 sq. ft. of new building area, and supplemental language was added regarding steep slopes.

Parking spaces can be 9X18 and updates to the parking formula were presented by Mr. Jonas and it is one space for every 2.5 students, and there is a provision for a reduction for up to 30% if certain provisions are met that includes regularly scheduled shuttle service including service to rail station, a ride-share program, and car and bike-share programs.

Commissioner Rothman said regarding the change from 300 ft. setback from residential to 100 ft., there is a home located on the corner of Douglas Avenue and then there is the Manor Woods property, and in the back corner behind the church facility of Sisters of St. Basil's property next to Manor College, he is not sure if it would be practical for a building to be built back there, so what is the distance between where the home is and where Manor's property is cut off?

Mr. Narcowich replied that he is certain that is not on their property, but on the Manor Woods property.

Commissioner Rothman clarified that proposed text amendment will read 40.2% impervious surface and 59.8% green area. Is that correct?

Mr. Narcowich replied that the maximum impervious coverage shall be 40%, rounded to the nearest whole number, so if there was a submission of 40.2%, it would be rounded down to 40%, if it were 40.5% or higher, it would be rounded up to 41% and be considered over the maximum.

Commissioner Rothman clarified that the maximum could be rounded to 40.4%, and that would be the same for minimum green area. Is that correct?

Mr. Narcowich replied exactly, and the minimum green area would be 60% and rounded to the nearest whole number.

Commissioner Rothman clarified that if Manor College requested to construct another building on the farm property, then it would need to comply with the new E-18 use regulations. Is that correct?

Mr. Narcowich replied that is correct.

Commissioner Rothman clarified that this is not so much a drastic change impacting Manor College, but more of an accommodation for Penn State. Is that correct?

Mr. Narcowich replied yes, he does not see it being a problem for Manor College or the residents.

Commissioner Zappone commended and thanked Vice President Hecker for holding several meetings with residents and diligently working with Township staff to address their concerns.

Commissioner Bole expressed his enthusiastic support as this has been the correct process engaging with many stakeholders, and he thanked Penn State students for voicing their support of the project. He will vote “yes,” and he appreciates the hard work that has been done by Township staff, the Penn State community, and the neighbors on their good faith effort to bring this matter forward, and he is looking forward to a vote tonight.

President Spiegelman acknowledged the tremendous amount of work that his friend and colleague Vice President Hecker has put into this as it was a complicated matter often contentious although bringing everyone together for good faith discussions. He also acknowledged the work that was done previously by former Commissioner Kline.

President Spiegelman closed the Public Hearing.

President Spiegelman asked for a roll call vote on the motion to adopt Ordinance No. 2186 as follows:

Commissioner Brodsky voted yes.

Commissioner Bole voted yes.

Commissioner Carswell voted yes.

Commissioner Rothman voted yes.

Commissioner Vaughn voted yes.

Commissioner Vahey voted yes.

Commissioner Winegrad voted yes.

Commissioner DiPlacido voted yes.

Commissioner Myers voted yes.

Commissioner Zappone voted yes.

Commissioner Bowman voted yes.

Vice President Hecker voted yes.

President Spiegelman voted yes.

MOTION was ADOPTED 13-0. Commissioner Thompson and Commissioner Schreiber recused themselves from voting.

MOTION to adopt Ordinance No. 2187 as listed – PASSED 13-0. Commissioner Thompson and Commissioner Schreiber recused themselves from voting.

NEW BUSINESS:

BOARD OF COMMISSIONERS:

Item BOC-01-111021:

Vice President Hecker made a MOTION, seconded by President Spiegelman to adopt the Fiscal Year 2022 Preliminary Budget as the Fiscal Year 2022 proposed budget.

Manager Manfredi said on October 28, 2021, the preliminary proposed budget was presented in detail outlining every aspect during which time discussion took place most of it about capital items as well as the American Rescue Plan Act, and if the motion passes, this preliminary proposed budget will become available for public inspection and the final budget will be considered for adoption by the Board of Commissioners at its meeting on December 9, 2021.

The public is invited to submit any questions to the following email address: onlinebudgetbook@abingtonpa.gov and link to access the budget can be found on the Township's website - FY 2022 Preliminary Proposed Online Budget Book along with instructional videos and preliminary budget presentation.

Regarding the ARPA (American Rescue Plan Act), there was concern expressed about the amount of money budgeted for parks and recreation, and all line items were vetted and comply with the ARPA noting that some revisions were made in the amount of funds that have been put aside for any future improvements to parks and recreation. Preliminary budget as presented meets the goals and objectives of the Board of Commissioners.

Finance Director Hermann said we uncovered an error in the Sewer Fund whereby we did not include wages of an open position, so added was a sum of \$101,949.00, and it will have no impact on the general fund tax millage proposed tax increase and we do not anticipate any wastewater increase in fees for 2022.

Manager Manfredi said a tax increase is proposed, and the ARPA dollars will be used to assist in bringing back positions helping to keep the tax increase down, and although it is a 22% tax increase, Abington has one of the lowest tax rates as compared to surrounding communities.

President Spiegelman asked for any comments from Commissioners.

Commissioner Rothman clarified that the Manor Woods line item was put back into the budget. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Rothman clarified that although the line item for the ponds' stabilization was removed, there are still dollars in the Alverthorpe budget to address any issues at the park. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Rothman said the Board needs to focus a considerable amount of time on the parks and its accessibility making it more friendly for those who have disabilities.

Commissioner Thompson referring to the ARPA dollars, asked where is the amount of \$400,000 for the inclusive park being reallocated to?

Manager Manfredi replied it is being set aside for future projects.

Commissioner Thompson clarified that it is available to be used next year. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Thompson continued that this project is important to him as well as parents some of whom we heard from tonight, and we have worked on this for two years and these children are not getting any younger, so this is a project that we really want to see completed, hopefully by the end of 2023.

Commissioner Bole clarified that in addition to an inclusive park, when considering upgrades to existing parks, that mobility challenges are thought about for those parks as well. Is that correct?

Manager Manfredi replied yes.

Commissioner Bole clarified that the amount of \$35,000 for park upgrades is flexible. Is that correct?

Manager Manfredi replied yes.

Commissioner Bole said regarding wastewater, does the \$600,000 ARPA funds proposed to be allocated need to be invested now?

Manager Manfredi replied that it would be wise to invest now as it helps to keep sewer rates lower.

Commissioner Bole said we need to be responsible about the budget dollars and make a hard decision to impose a tax increase investing in our Township.

Commissioner Schreiber clarified that if the Township obtains grant money for parks and recreation items then those funds could be put towards other projects. Is that correct?

Manager Manfredi replied that is correct.

President Spiegelman said these decisions are not taken lightly by the Board of Commissioners, and we have learned the essential value of having a “rainy day” fund, which is the Township’s Fund Balance, and he stands by this difficult but responsible decision, and he thanked Manager Manfredi as well as his colleagues.

MOTION was ADOPTED 14-1. Commissioner Zappone opposed.

Item LU-01-111021:

Commissioner Thompson made a MOTION, seconded by Commissioner Vahey to approve waiver for the maintenance bond and release of the surety’s performance bond, subject to confirmation of recording of the Deed of Dedication and final inspection of the dedicated Molly Court right-of-way.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

PUBLIC SAFETY COMMITTEE:

Item PS-01-111021:

Commissioner Schreiber made a MOTION, seconded by Commissioner Myers to adopt Ordinance No. 2188 amending Chapter 156 “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” and 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 26 – “Parking Prohibited During Certain Hours,” Section 28 – “Special Purpose Parking Zones,” to add 15 MPH speed limit during the hours of 8:15 AM and 9:00 AM and 3:15 PM and 3:45 PM to Woodland Road, add “Stop” signs on Edgeley Avenue at Oakdale Avenue, Elliott Avenue at Crestview Avenue and Woodland Road at Cumberland Road, add “No Parking” on Edgecomb Avenue from 2456 Edgecomb Avenue to Roslyn Avenue, Fairy Hill Road, Fitzwatertown Road and North Hills Avenue from 1065 to Elliott Avenue, add “No Parking Here To Corner” on Jenkintown Road, “Handicapped Parking” in front of 1416 Edgewood Avenue and remove “No Parking Except Certain Hours” on Fitzwatertown Road.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

Item PS-02-111021:

Commissioner Schreiber made a MOTION, seconded by Commissioner Vahey to adopt Ordinance No. 2185 amending Chapter 65 - Burning.

President Spiegelman asked for any comments from Commissioners.

Commissioner DiPlacido thanked his fellow Board members for their support and collaboration, and suggested reviewing other ordinances that may not be relevant today.

MOTION was ADOPTED 15-0.

Item PS-03-111021:

Commissioner Schreiber made a MOTION, seconded by Commissioner Vahey to adopt Resolution No. 21-027 to appoint Township Manager Richard J. Manfredi as the applicant agent (PEMA Form DAP-01) for the PEMA/FEMA Disaster Public Assistance Reimbursement Process for Hurricane Ida (DR-4618) and to authorize Mr. Manfredi to sign the PEMA Public Assistance Grant Agreement (PEMA Form DAP-02) on behalf of Abington Township.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

PS-04-111021:

Commissioner Schreiber made a MOTION, seconded by Commissioner Vahey to approve the Memorandum of Understanding between Abington Township and Abington School District regarding Crossing Guards.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

PS-05-111021:

Commissioner Schreiber made a MOTION, seconded by Commissioner Vahey to adopt Resolution No. 21-028, a resolution of the Board of Commissioners of Abington Township approving a Memorandum of Agreement between Abington Township and School Crossing Guards for years 2022 and 2023.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

FINANCE COMMITTEE:

Item FC-01-111021:

Commissioner Vahey made a MOTION, seconded by Commissioner Bowman to approve the September 2021 expenditures in the amount of \$1,961,531.60 and salaries and wages in the amount of \$1,985,327.37, and authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of December 2021.

President Spiegelman asked for any comments from Commissioners. There were none.

Roll call resulted in motion being passed 15-0.

Item FC-02-111021:

Commissioner Vahey made a MOTION, seconded by Vice President Hecker to ratify the selection of United Healthcare for retirees.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 15-0.

PUBLIC COMMENT:

Lora Lehmann, resident, expressed concern about budget line item for trails for Manor Woods and the proposed tax increase; also, the Boy Scout Preserve is “decimated with only a riparian buffer.”

Manager Manfredi clarified that the Manor Woods item has nothing to do with the proposed tax increase as that will be from ARPA (American Rescue Plan Act) funds.

Cakky Evans, resident, commented that in the past, there was the ability to do a word search of budget documents and she is having trouble navigating, and requested for that to be restored.

Joe Rooney, resident, expressed concern about the proposed 22% tax increase.

Mike Tobin, resident, requested that the “funds be used for something more important than Manor Woods such as for other parks.”

President Spiegelman replied that the funds for Manor Woods is from ARPA and will not come from proposed tax increase. The proposed tax increase is for operating expenses that keep the Township running.

Manager Manfredi added that the Manor Woods project came from a study that was completed many years ago and it has been a project that Commissioner Rothman has asked about every year for the past five years. It is only being approved this year because of funding from ARPA, and that will meet a goal set a long time ago.

Commissioner Vahey said that the Township is investing \$1.5 million in parks from funding from APRA, so it will be spread throughout.

Commissioner Rothman said that we will be saving money on Manor Woods as well as redistributing it such as for inclusive parks.

ADJOURNMENT: 10:15 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinances and resolutions were adopted by the Board of Commissioners on November 10, 2021, as follows:

Ordinance No. 2185

Ordinance No. 2186

Ordinance No. 2187

Ordinance No. 2188

Resolution No. 21-027

Resolution No. 21-028