

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, January 12, 2023, via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 7:01 p.m.

ROLL CALL: Present: Commissioners ROTHMAN, DiPLACIDO, VAUGHN, THOMPSON, WINEGRAD, HENRY, CARSWELL, SPIEGELMAN, BOLE, SCHREIBER, BOWMAN, VAHEY, HECKER
Excused: Commissioners BRODSKY, ZAPPONE

Also Present: Township Manager MANFREDI
Township Solicitor CLARKE

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

Yanni Giannopoulos, resident, 345 Cedar Road, said regarding agenda Item BOC-03-011223, he has concern about the ownership of the property; an HOP from PennDOT was not included in the plan, and about the applicant's waiver requests for curb radius, the use of plastic drainage pipes in-lieu-of concrete, and the 3:1 slope.

President Hecker replied that will be addressed during the agenda item.

Bob Hirshberg of Hirshberg Mechanical said he is a nonresident; however, RCO's are a good thing within every community including Bucks County where he and his staff do a lot of public work. He expressed concern that Abington's RCO would disqualify him from bidding on projects.

Glen Cooper, resident, and member of the Planning Commission said proposed RCO is restrictive, discriminatory, and anticompetitive. RCO's are not a bad thing, but what Abington is proposing is "horrendous." Implementing this ordinance will reduce the number of companies and workers who can bid and work on these projects, and it will not improve workers' safety or the quality of construction.

All safety, financial and qualifications are already mandated by the Pennsylvania State Bidding Qualification Laws. The only beneficiary of this ordinance is organized labor, and the “70% apprenticeship participation” requirement will eliminate competition from bidding on these projects. If approved as written, it will remove a lot of the merit-shop contractors who are currently performing most of these types of projects greatly reducing the competition and driving up cost for taxpayers.

At the last meeting, State Representative Nancy Guent and former Mayor of Hatboro spoke about Hatboro’s RCO and a Commissioner of West Norriton provided in writing about theirs, and neither of their RCOs contain any type of apprenticeship requirements, which are responsible and fair, and he asked for copies of them to be added to the meeting minutes.

He also expressed concern about the Township spending time reviewing prequalification statements from all bidders. So, this RCO needs to be voted down altogether or rewritten to achieve its intended purpose.

Bill Rearden, resident, Roberts Avenue, commented that “this RCO is illegal in the States of Maryland, Pennsylvania, and Washington D.C. because it is a not a responsible contracting ordinance, it is a union-only labor ordinance,” so as a resident and taxpayer he cannot support it.

Matt Toomey, 2102 Fortune Road, resident, said this RCO is about safety, training and protecting our Township from lawsuits. There were countless challenges overturned in court and upheld, so this RCO is legal, and the Township should take its time in conducting due process making sure there is oversight.

Ryan McGinley, resident, said he is a union glazer and served a four-year apprenticeship program and served another year to be fully qualified, and all contractors need to be qualified for the job.

Kirby Toomey, 2102 Fortune Road, said she is a union electrician with a five-year apprenticeship program learning electrical and safety. We are the educated master’s degree holders of the trades, and the best in the business, that is why we are paid more, and the Township would want to have the most educated people working on its buildings.

Lora Lehmann, resident, said she is opposed to the RCO as well as the waiver requests for the Cedar Road property.

Karen Milovich, 529 Berkeley Road, said she lives across the street from the Huntingdon Valley Shopping Center, which has turned into a “travesty,” and she expressed concern about waivers approved without hardship on the applicant; also, about building large apartments changing our population, which is “terrible” for our community.

CONSENT AGENDA:

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

To approve the minutes from the Board of Commissioners Regular Meeting of December 8, 2022.

To approve the release of escrow #3 for LD-19-08, Galman Residential, in the amount of \$303,093.00.

To approve the release of the maintenance bond in the amount of \$16,465.20 for LD-18-05 – 1137 – 1151 Old York Road, Mediplex.

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

MOTION was ADOPTED 13-0.

UNFINISHED BUSINESS:

Item BOC-03-011223:

Vice President Vahey made a MOTION, seconded by Commissioner DiPlacido to approve the major Subdivision and Land Development Plan for 365 Cedar Road.

Mr. Khal Hassan, Township Engineer, said the applicant's initial submission proposes to demolish an existing residential dwelling with a covered porch, garage, shed, and subdivide the existing four acres into eight individual lots ranging from about 15,000 sq. ft. to slightly over 21,000 sq. ft. Also, the applicant proposes to construct a single family detached dwelling on each lot as well as associated sidewalk, curb, driveway, streetlights, and stormwater management facilities.

Access from the site will be a new cul-de-sac roadway named Independence Circle that would intersect with Cedar Road, which is a state road, and a new T-intersection associated with it.

Since then, the applicant has made a second submission under the most current one and proposes to demolish the existing dwelling as well as its structures and subdivide the four-acre parcel into seven lots not eight as initially proposed.

In addition, the applicant relocated the stormwater management facilities from beneath the proposed cul-de-sac and moved it to the rear of Lots 6 and 7. Other site improvement changes include widening the proposed road from 24 ft. to 30 ft., an additional streetlight, and landscaping will be provided.

The applicant will be required to obtain an NPDES permit from the Montgomery County Conservation District, so the site will comply with stormwater and ENS measures. Also, an HOP from PennDOT will be required as the development fronts on Cedar Road.

With the exception of any changes that may be requested by the Montgomery County Conservation District and/or PennDOT the improvements will remain the same per his review letter dated October 10, 2022.

Regarding the concrete stormwater pipe being changed to plastic, it is normal engineering practice, so there is no issue if it still functions as intended.

Regarding the radius, when PennDOT reviews applications where a private road connects with a state road, they make sure that vehicular traffic enters/exits the site safely. The modified radius is safe and should not create any issues. Also, the 3:1 slope is steeper making the stormwater facility somewhat deeper for volume and function of the basin.

Any changes made by the Montgomery County Conservation District and/or PennDOT will be properly made to the plan, which cannot be recorded until then.

President Hecker asked for any comments from Commissioners.

Commissioner DiPlacido asked Solicitor Clarke to clarify ownership of the Cedar Road property.

Solicitor Clarke explained that the Township was provided with documentation, and based on those documents and power of attorney, the applicant is permitted to move forward with this application, which has been communicated to them.

MOTION was ADOPTED 13-0.

NEW BUSINESS:

Item BOC-04-011223:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to adopt Ordinance No. 2193 establishing procedures for Certification of Responsible Contractor Requirements and approve Resolution No. 22-001.

President Hecker asked for any comments from Commissioners.

Vice President Vahey applauded everyone who has participated in this important measure, and after hearing both sides, he has done his own research. He firmly believes in the concept of this ordinance in which the main idea is to hold contractors working on more expensive Township projects to the highest standards, which the taxpayers deserve.

His main concern was whether this would increase costs for projects of the Township, and he found absolutely no evidence to suggest that these ordinances increase costs to taxpayers, in fact, he found just the opposite that it is net-neutral as well as a cost-savings. So, absent any concrete evidence to the contrary, he has no reason to oppose this, and should we find evidence during the course of this ordinance that contradicts what he found, we can reconsider it at that time.

Commissioner Schreiber said she is in favor of this ordinance and thanked Abington residents who contacted the Board through petitions and emails both in favor and opposed as well as for coming out to the meetings. She will be voting in favor of this ordinance for reasons previously stated at many meetings.

MOTION was ADOPTED 12-1. Commissioner Carswell opposed.

Item BOC-05-011223:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to approve the major Subdivision LD-22-03 – Autozone located at 1318 & 1330 Easton Road.

President Hecker asked for any comments from Commissioners.

Commissioner Schreiber clarified that the business next to the dry cleaners is still open.

Commissioner Vaughn agreed.

MOTION was ADOPTED 13-0.

Item BOC-06-011223:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to approve the major Subdivision - LD-22-02 Huntingdon Valley Shopping Center (Chipotle Pad Site).

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

MOTION was ADOPTED 13-0.

Item BOC-07-011223:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to award the bid received and opened on December 27, 2022 for Sanitary Sewer Internal Inspection & Rehabilitation, Contract No. 153 to Pipe Services Corporation in the amount of \$217,750 as the lowest responsible bid for this project and authorize the Township Manager to execute the contract.

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

MOTION was ADOPTED 13-0.

Item BOC-08-011223:

Vice President Vahey made a MOTION, seconded by Commissioner Thompson to consider the cost proposal for the 2023-2025 Community Planning Assistance Contract.

President Hecker asked for any comments from Commissioners.

Commissioner Winegrad questioned whether there are other options with this type of arrangement.

Manager Manfredi replied yes. The reason for the recommendation to reduce the contract by 50% is that there may be other planners in which that money could be applied to and taking advantage of the planning assistance contract is cost-effective.

MOTION was ADOPTED 13-0.

FINANCE COMMITTEE:

Treasurer's Report:

Township Treasurer's report will be distributed to the Board of Commissioners for review.

Item FC-01-011223:

Commissioner Winegrad made a MOTION, seconded by Commissioner Schreiber to approve the November 2022 expenditures in the amount of \$4,117,104.18 and salaries and wages in the amount of \$2,127,259.62, and authorize the proper officials to sign vouchers in payment of bills and contract as they mature through the month of February 2023.

Roll call resulted in motion being passed 13-0. Commissioners Brodsky and Zappone were absent during roll call.

Item FC-02-011223:

Commissioner Winegrad made a MOTION, seconded by Vice President Vahey to adopt Resolution No. 23-002 authorizing the Finance Director to invest Township funds in any and all such financial institutions as permitted by First Class Township Code.

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

MOTION was ADOPTED 13-0.

Item FC-03-011223:

Commissioner Winegrad made a MOTION, seconded by Commissioner Carswell to adopt Resolution No. 23-003 authorizing the disposition of certain Finance Office records as set forth in Exhibit "A."

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

MOTION was ADOPTED 13-0.

PUBLIC COMMENT:

Adele Kubel, resident, expressed concern about blight of commercial and apartment buildings as well as the repaving and cleaning of Old York Road, and she requested funding be put towards the Briar Bush Nature Center.

George Clay, resident, 100 York Apartments, said he received a letter from the owner's attorney who represents Old York LLC to the Attorney General's Office regarding issues of the apartment complex dated January 5, 2023 in which he read into the record. He expressed concern that there is one elevator and eight floors, and there was no heat or hot water on Thanksgiving and no elevator working on Christmas, and his rent is over \$1,700. There was no response from anyone, so when are we going to get justice for living in this building?

Commissioner Winegrad replied that he is appalled. Residents are entitled to live where elevators work, and have hot water and heat, and he asked residents to please contact him any time there is a problem. Residents also need to contact the Township's Code Enforcement Department because the owner needs to adhere to the property codes, and there is the commitment of Township staff and Township Solicitor to do everything legally possible to help the residents.

President Hecker added that the Township has been reviewing strengthening the existing code to provide additional mechanisms for stricter enforcement to prevent these types of conditions from happening again.

Bob DeLucas, resident, expressed concern about his neighbor installing a deck as well as an addition on the home with no permits, and there is a list of other items that need to be investigated, and he has not received a response.

President Hecker replied that the complaints brought forward will be reviewed and a response will be provided.

Glen Cooper, resident, commented that the RCO would have been better handled with informal discussions, and he will provide research to present publicly.

Ed Paley, resident, commented that he is a glazer, and “training only makes us better.”

Bill Rearden, resident, commented that the core issue of the RCO is that it addresses workforce on the job, but does not address contracting, “and you have no legal right to control the workforce with the exception of making sure they are legal citizens and pay taxes.”

Ross Able, resident, encouraged the Township to continue pursuing sidewalks on streets east of Jenkintown in Abington where we are missing a safe way for residents to get around on foot, and to protect cyclists with physical barriers. Also, he requested that the Township work with PennDOT and surrounding communities to implement traffic calming on Old York Road.

Karen Milovich, resident, proposed not putting in more bike paths and stop overloading our population when we do not have enough space or services.

Sarah Love Hewes, resident, 100 York Apartments, expressed concern about her neighbor having to carry their portable oxygen tank to the fifth floor; an older couple with health issues; and a pregnant woman having to use the stairs because there was no working elevator on Christmas Day. She keeps her unit clean, but there are roaches and mice. Also, the A/C unit in her bathroom does not work and there has been no response from management.

Kizzy Wooten, resident, 100 York Apartments, said since she moved in, there have been numerous issues with the plumbing, electrical, heating and air conditioning. In 2021, there were power outages about three times a week in the summer, and currently, the windows freeze completely and do not open; also, her dishwasher backs up dirty water and maintenance told her there was a 10-year backup of residue in the drain so use bleach to clean the dishes in the dishwasher. The cable wire has been completely cut out, so she does not have access to Comcast Essential Internet Program, and they have not taken responsibility in wiring the apartments properly.

Also, residents get stuck in the elevators every other day, the fire alarm system is faulty, and the locks on some of the doors of the building are broken. So, this level of disfunction, total disregard, blatant, and intentional unethical practices is a disgrace, shameful, and a moral hazard, and she asked for help with this situation.

Lora Lehmann, resident, expressed concern about the Cedar Road property and the sale of the Colonade to Old York LLC.

Remington Daron, resident, suggested pop-up bike lanes that would allow the Township to test cheap ways to provide safe routes for residents, and once bike lanes are installed, the Township will see an increase in bike ridership. Also, the Township should push for urbanization and densification by adding mixed-use housing, bike infrastructure, and public green space.

Julee Mahon, resident, 100 York Apartments, commented that she is happy to hear that Commissioner Winegrad will work towards helping residents with better living conditions as her concerns are about safety, fire alarms, mold, issues with elevators, and no security in the building, as well as trash issues and much more. She requested that a meeting be scheduled with Township officials, the Fire Marshal, and Code Enforcement Director to discuss these issues.

Ms. Elaine, resident, 100 York Apartments, agreed with everyone that there is a responsibility to provide a certain service, but there are only excuses, no communication about what is going on, and no accountability. There needs to be a call for action.

Ms. Robinson, resident, 100 York Apartments, commented that she and her family were stuck in the elevator on Christmas morning when she had to call 9-1-1 for assistance as well as an emergency maintenance number that went to an answering service with no response, and we were without elevators for days. We need immediate assistance as this is a state of emergency.

President Hecker replied that the Township issued a notice of violation about the elevators in December and there is a 30-day period for the owners to address it, so they have until tomorrow, and if they do not address it by then, citations will be issued. Also, existing Township code requires that an apartment building have one functioning elevator, and we are exploring the feasibility of increasing that requirement, so there will be a more aggressive approach towards enforcement.

Jonathan Krantz, resident, 100 York Apartments, commented that last winter his heat was out for over 20 days, and this year, the hot water has been on/off for six to eight weeks, so he had to take a shower with buckets of water heated from the stove. Also, he has mold on his ceiling and there is no security in the building. This is a dire emergency.

Manager Manfredi said the Township, Police and Fire Departments have been working eagerly making sure every complaint is heard and addressed daily and notice of violations have been issued, and as complaints have increased, so has the Township's diligence on working to get it resolved.

Oba Abimbola, resident, 100 York Apartments, commented that last summer his air conditioner was not working, and nothing has been done, and when he calls no one comes to address the issue.

Commissioner Bowman commented that a lease is a contract between a tenant and landlord, and although the Township will do everything it can to make sure there is compliance within the law, we are not able to enforce every aspect of the lease as the Township is not part of the contract.

Commissioner Winegrad thanked the residents for coming out this evening. He informed residents to contact code@abingtonpa.gov, and any complaints about the building can be made on the Township's citizen service request tool. Also, he has and will respond to all residents who reach out to him, and he will make sure the Township is being as legally aggressive as possible.

ADJOURNMENT: 9:11 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinance and resolutions were adopted by the Board of Commissioners on January 12, 2023:

Ordinance No. 2193

Resolution No. 23-001

Resolution No. 23-002

Resolution No. 23-003