

The stated meeting of the Board of Commissioners of the Township of Abington was held as a Zoom webinar and teleconference on Thursday, January 14, 2021 with President Spiegelman presiding.

CALL TO ORDER: 6:30 p.m.

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

Also Present: Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Township Treasurer BLUMENTHAL

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS:

President Spiegelman announced that an Executive Session of the Board of Commissioners was held on December 29, 2020 to discuss a personnel matter.

President Spiegelman read the Proclamation honoring the Reverend Dr. Martin Luther King, Jr. Memorial Service into the record and adoption of Resolution No. 21-001.

Commissioner Carswell said she appreciates all the work this team has done. The virtual event will be held at noon and to partake go to www.abingtonpa.gov/mlk where there are opportunities to do service work throughout the Township.

President Spiegelman announced that the Presidential Inauguration Committee will be hosting a memorial to remember and honor those who lost their lives to COVID-19, and on next Tuesday, January 19, 2021 at 5:30 p.m., a Washington, D.C. Ceremony will feature lighting around the Lincoln Memorial reflecting pool and it will be the first ever lighting ceremony to memorialize American lives lost. The Inauguration Committee has encouraged cities and towns around the country to join Washington, D.C. in illuminating government buildings in a national moment of unity and remembrance. Abington Township will be participating by providing special amber lights at the Police Memorial in front of the Township building on Tuesday evening to honor those who lost their lives to COVID-19.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

Lora Lehmann, resident, expressed concern about the presentation made by the developer of the Willow Grove Mall including their documents.

CONSENT AGENDA:

Vice President Hecker made a MOTION, seconded by Commissioner Thompson to approve Items a. – f. as listed under Consent Agenda as follows:

To approve the minutes from the Budget meeting and the Board of Commissioners Regular meeting of December 10, 2020.

To approve the request for the Township to subordinate the municipal lien under the Community Development Home Program for 205 North Hills Avenue.

To reapprove a five-year lease agreement for 1220 Huntingdon Road between the Abington School District and Abington Township.

To authorize the release of the performance security (escrow release) for Crest Commons, LLC and authorize the Township Manager to sign accordingly.

To approve final payment in the amount of \$1,000.00 to G&B Construction Group for the Ardsley Wildlife Sanctuary Project.

To approve Statement of Conditions.

President Spiegelman asked for any comments from Commissioners.

Commissioner Myers asked for further explanation of Item b. as listed under Consent Agenda for the sake of the public.

Solicitor Clarke explained that there is a HUD lien on the property, and this is a transfer. While it is not necessary that the Township subordinate the lien, the owner is requesting that it be subordinated to meet the requirements of the lender who is providing a new mortgage. A family member is taking over the residence and they are caught between the lender's refinancing requirements and the Township's existing lien, and the lender requires that the lien be subordinated. The Township's position is not damaged in any way and the Township's lien remains in effect. The only way for the property owner to get a new mortgage on the property is by subordinating the lien.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

BOARD OF COMMISSIONERS NEW BUSINESS:

Item BOC-03-011421:

Vice President Hecker made a MOTION, seconded by Commissioner Winegrad to adopt Resolution No. 21-002 ratifying the Declaration of Disaster and State of Emergency from December 17, 2020 to January 14, 2021 and approving the Declaration through January 21, 2021.

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

MOTION was ADOPTED 15-0.

Item BOC-04-011421:

Vice President Hecker made a MOTION, seconded by Commissioner Schreiber to appoint:

- Michael O'Connor to the Zoning Hearing Board for a term of five-years ending on 12/31/2025.
- Ronald Rosen to the Planning Commission for a term of four-years ending on 12/31/2024.
- Glenn Cooper to the Planning Commissioner for a term of four-years ending on 12/31/2024.
- Lucy Strackhouse to the Planning Commission for a term of four-years ending on 12/31/2024.

President Spiegelman asked for any comments from Commissioners.

Commissioner Vahey commented that consistent with his objections made at the Committee of the Whole meeting in December, he will be voting “no” on this. He opposes changing the policy of appointing members to the Township’s volunteer Boards, and while he knows and respects those being reappointed; that does not take the place of thorough vetting and seeing whether other residents in the Township would like to participate. The last two years in which that was done was successful and he learned a lot from the process, and since these are four and five-year terms, he will be voting “no.”

Commissioner Brodsky noted that he will need to leave the meeting briefly; however, he is in support of the motion of appointments as listed.

Commissioner Carswell said she shares Commissioner Vahey's concern about the limited process. She understands there has been challenges with the timing, but having chaired this process previously, she is uncomfortable appointing candidates for four and five-year terms that the Board has not interacted with. She is sure all of them have done a good job in their role, but she values the process of considering candidates.

Commissioner Rothman agreed with the sentiments that the Board needs to have a thorough vetting process, which should be done sooner than later; however, he is in favor of the individual appointments and will vote to support them moving forward.

Commissioner Thompson shared the sentiments of his fellow Commissioners; however, he will be voting "yes" to move these individuals forward as he is familiar with their work and they do a good job for the Township. Generally, he is uncomfortable with changing procedures as vetting for volunteers for these Boards is crucial in helping the Commissioners determine what the candidate's strengths and weaknesses are and how the Township can benefit from their service.

Commissioner Bole asked for clarification on whether this is a deliberate change in procedure or a need to appoint because of external pressures due to this anomalous year. He asked for confirmation that the Board is not proposing changing the procedure and what the ramifications would be if the Board voted against appointing these individuals.

President Spiegelman replied the Board is not "ditching" having a vetting policy or mechanism by which the Board of Commissioners interact with individuals who are applying. We are just looking to revise it. The reasons for temporary suspension in this case is due in part to the entire situation of this past year that is carrying over into this year. These appointments are time sensitive because there would be a significant percentage missing from those two Boards and they have a hefty workload on their upcoming agendas. All these individuals have met their commitments and are interested in being reappointed, and there was simply not enough time to do all advertisements currently required by the existing policy, which is the reason for this action.

Vice President Hecker said no one on the Board of Commissioners would take a position to not be thorough and transparent in vetting of those who express interest in positions on volunteer Boards; however, he does feel there is a need for discussion on how to improve the process including the timeframe in which it should begin. Also, as part of this review, the Board needs to determine whether we should handle new appointments and reappointments the same or differently moving forward.

Commissioner Schreiber clarified that the reappointments to the volunteer Boards as listed are time-sensitive and there are openings on other volunteer Boards in which the vetting process will be conducted by the Board of Commissioners. Is that correct?

President Spiegelman replied that is correct.

MOTION was ADOPTED 11-4. Commissioners Vahey, Carswell, Bole and Vaughn opposed.

Item BOC-05-011421:

Vice President Hecker made a MOTION, seconded by Commissioner Zappone to appoint Pennoni Associates as Township Engineer at the fees for services outlined in the proposal dated January 6, 2021.

President Spiegelman asked for any comments from Commissioners.

Commissioner Myers asked for further explanation on the Township's new procedure using an outside engineering firm.

Manager Manfredi replied while the search moves forward to fill the vacancy for a Township Engineer; it is best to formally name a firm as Township Engineer to review necessary documents on behalf of the Township. The Township has been using this firm; however, it has been placed on the agenda for the purpose of transparency of fees for services outlined in their proposal.

Commissioner Thompson noted that he had a prior professional relationship with Pennoni Associates, and currently, he is serving as Project Manager on a construction project in Philadelphia, and the firm that he works for is paying for engineering services provided by Pennoni. Does he have a conflict of interest and should he abstain from voting?

Solicitor Clarke replied that Commissioner Thompson does not have a conflict of interest and does not need to abstain from voting on this item.

Commissioner Zappone noted the Pennoni Associates is providing engineering services on the Edge Hill Road at Tyson Avenue project and he speaks with them about it. Does he have a conflict of interest?

Solicitor Clarke replied Commissioner Zappone does not have a conflict of interest and does not need to abstain from voting on this item.

MOTION was ADOPTED 15-0.

Item BOC-06-011421:

Vice President Hecker made a MOTION, seconded by Commissioner Carswell to create a Vehicular and Pedestrian Safety Study Team.

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

MOTION was ADOPTED 15-0.

Item BOC-07-011421:

Vice President Hecker made a MOTION, seconded by Commissioner Bole to approve Settlement Agreement and General Mutual Release of all claims between O'Neill Consulting Corporation and Abington Township.

Solicitor Clarke explained that the Township brought an action against O'Neill Consulting Corporation and the motion resolves that action.

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

MOTION was ADOPTED 15-0.

LAND USE COMMITTEE NEW BUSINESS:

Item LU-02-011421:

Commissioner Thompson made a MOTION, seconded by Commissioner Winegrad to refer the requested and submitted petition to amend the Township's Zoning Ordinance by PREIT to the Planning Commission as an agenda item for their January 26, 2021 meeting.

President Spiegelman asked for any comments from Commissioners.

Commissioner Myers said after review of the paperwork; she has concern that proposed text amendment refers to "wood structures," which is not in compliance with Township's Non-Combustible Ordinance, and although she is in favor of the project, she cannot vote in favor for something that does not comply with the ordinance.

President Spiegelman called on Township Solicitor.

Solicitor Clarke said the draft text amendment is presented by the applicant and there are multiple steps prior to any approval. The first would be to send it to the Township's Planning Commission as well as the County Planning Commission for review and then it would come before the Land Use Committee for review. It would then be advertised, and ultimately, the full Board of Commissioners will decide whether to act on the text amendment; not act on it or change it. This is a discretionary legislative function of the Board of Commissioners, and if the majority would like to remove any reference such as "wood construction," that can be done, and the applicant's recourse with respect to the text amendment would be limited.

Commissioner Myers continued that the Board is aware of the procedure; however, when there is something blatantly before the Board that is in complete opposition to the Township's Fire Safety Ordinance, wouldn't it behoove the Board to make the change now before going through all the steps?

Solicitor Clarke replied yes. At this time, the Board would just be passing this along to the Township's Planning Commission; however, if the Board would like that provision removed prior to sending the matter to the Planning Commission, that would be at the discretion of the Board.

President Spiegelman clarified that if this item were sent to the Planning Commission as is, it would not represent any type of abandonment by the Board of the Township's Non-Combustible Ordinance or overlooked if or when the process moves forward. Is that correct?

Solicitor Clarke replied that is correct. An affirmative vote on the motion on the floor is to send the item to the Township's Planning Commission for review. It is not an endorsement or approval by the Township nor a vested right of the property owner.

Commissioner Bole noted that the proposed text amendment states, "A wood structure would be permitted provided it meets all International Building Codes and National Fire Protection Standards, and if it does not, then it shall not be permitted." Also, he shares the concern of Commissioner Myers, and during discussion of the Committee of the Whole, there was consensus to move the project forward to the Planning Commission for review, so he is inclined to support that.

Commissioner Winegrad said he has many concerns about this text amendment including Commissioner Myers' concern. The best way to vet it would be to have the Planning Commission review it and to receive public input. The Board of Commissioners are under no obligation to approve anything especially this, and after review by the Planning Commission and we hear from residents, the Board can then decide on the direction, and so it should move forward.

Commissioner Myers said this is about perception, and the perception in passing this along suggests that the Board is in favor of it; also, Zoom meetings make it more difficult to get public comments. Abington Township's code takes it one step higher, and any building where people sleep overnight is where the noncombustible ordinance applies, and it is to keep people safe.

Commissioner Zappone agreed with Commissioner Myers. He is completely against any amendment to the language of the ordinance regarding "wood structures" and he will never support it. He is in favor of making a change now while there is the opportunity before sending it forward.

Commissioner Thompson echoed sentiments made by Commissioners Myers and Zappone. He finds the language in the proposed zoning text amendment seemingly trying to usurp the Township's noncombustible ordinance and to be objectionable, so he strongly recommends "striking" it prior to coming before the Land Use Committee. However, it is worth passing it onto the Planning Commission for review as well as to receive additional public comments, which will be considered at the Board's next discussion regarding this ordinance.

Commissioner Bowman asked for this item to be moved forward as is.

Manager Manfredi suggested that the Board could consider amending the motion to send Item LU-02-011421 forward to the Township's Planning Commission noting that it is not an endorsement of the provision in the proposed zoning text amendment regarding "wood structures," so the Planning Commission would be clear on the Board's position. Also, the Fire Marshal indicated that he would state his position on this matter as well as attend the Planning Commission meeting.

Vice President Hecker said he respects the position stated by several Commissioners about their objection to the language and he supports that perspective. He suggested taking the path that Manager Manfredi has offered, which would be more viable than the Board making any changes to the text amendment tonight.

President Spiegelman concurred with Vice President Hecker. He agreed that the suggestion made by Manager Manfredi adequately addresses the legitimate issue of "perception."

Mr. Marc B. Kaplin, Esquire, representing the applicant PREIT, said we understand the issue. If the Fire Marshal is not in favor of proposed zoning change regarding "stick construction," it will need to be changed, and from a fire code perspective, it is the degree of fire protection that is available as opposed to what material is involved. Also, the applicant would like to have a discussion with the Fire Marshal as it will be his decision.

Commissioner Myers made a MOTION to AMEND the MOTION to send Item LU-02-011421 forward to the Township's Planning Commission, which is **NOT** an endorsement of the provision in proposed zoning text amendment as it relates to the Township's Non-Combustible Ordinance and that the Planning Commission is to give **NO** weight to the language in the ordinance as it pertains to noncombustible, and to consider all information passed onto them from the Township's Board of Commissioners, Township Administration and Office of the Fire Marshal, and then following their review, send the matter back to the Committee of the Whole of the Board of Commissioners, seconded by Commissioner Zappone.

MOTION to AMEND the MOTION – PASSED 15-0.

MOTION as AMENDED – PASSED 15-0.

FINANCE COMMITTEE NEW BUSINESS:

Receive Treasurer's Report:

Township Treasurer reported that regarding revenues deposited into Republic Bank in December 2020; there was an increase as compared to the month of December 2019 of \$131,842; YTD there was decrease as compared to December 2019 of (\$1,057,583).

Real estate taxes for December 2020; there was an increase as compared to December 2019 of \$36,975; YTD 98% has been collected leaving a balance of 2%.

Item FC-01-011421:

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to approve the November 2020 expenditures in the amount of \$3,339,169.47 and salaries and wages in the amount of \$1,858,083.74, and authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of February 2021.

President Spiegelman asked for any comments from Commissioners.

Commissioner Vahey said since the Finance Committee meeting was not held in December, he asked for any public comments. There were none.

Roll call resulted in motion being passed – 15-0.

Item FC-02-011421:

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to approve the Clearing Fund, the Deferred Revenue/Expense activity, and Petty Cash balances for the month of November 2020. Clearing fund receipts and disbursements for the month of November 2020 were \$933.45 and (\$20,570.61), respectively. Deferred Revenue/Expense receipts and disbursements for the month of November 2020 were \$2,500.00 and (\$135.41), respectively.

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

President Spiegelman asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

FC-03-011421:

Commissioner Vahey made a MOTION, seconded by Commissioner Winegrad to approve the Travel Expense activity for November 2020. Travel Expenses were \$0.00, and the eleven-month expenses totaled \$9,266.13.

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

President Spiegelman asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

Item FC-04-011421:

Commissioner Vahey made a MOTION, seconded by Vice President Hecker to adopt Resolution No. 21-003 authorizing the Finance Director and his/her designate to invest Township funds in any and all such financial institutions as permitted by First Class Township Code.

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

President Spiegelman asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

Item FC-05-011421:

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to adopt Resolution No. 21-004 authorizing the disposition of certain Finance Office records as set forth in Exhibit “A”.

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

President Spiegelman asked for any public comments.

Lora Lehman, resident, asked about salary and position information on Township employee.

Manager Manfredi provided the salary and position information on the Township employee that the resident asked about. Also, there is a salary schedule listed in the Table of Contents for each position in the budget documents.

MOTION was ADOPTED 15-0.

PUBLIC COMMENTS:

Walter Draving, resident, expressed concern that the “mall presentation did not show what PREIT intends to do,” also, about the amount of public speaking time and not receiving the “Right To Know” documents.

Lora Lehmann, resident, expressed concern about removing committee meetings and the amount of public speaking time; also, she has issues with the PREIT plan.

Khaled R. Hassan commented that we have Boy Scouts from Troop 304 attending tonight’s meeting, and in addition to attendance of a Board of Commissioners meeting, community service is a requirement. Are there are any activities to be held on Monday that the Boy Scouts could get involved with?

President Spiegelman replied yes. They can go to www.abingtonpa.gov/mlk where the service projects are listed. Also, newsletters of Board members include lists of projects.

ADJOURNMENT: 7:48 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following resolutions were adopted by the Board of Commissioners on January 14, 2021:

Resolution No. 21-001

Resolution No. 21-002

Resolution No. 21-003

Resolution No. 21-004