

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, March 9, 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 BRODSKY, ROTHMAN, DiPLACIDO, VAUGHN, THOMPSON, WINEGRAD, HENRY, ZAPPONE, CARSWELL, SPIEGELMAN, SCHREIBER, BOWMAN, VAHEY, HECKER
Excused: Commissioner BOLE

Also Present: Township Manager MANFREDI
Township Solicitor CLARKE

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS:

President Hecker announced that public comment will be taken following the briefing regarding 100 York Road and 101 Washington Lane as listed under New Business.

PUBLIC COMMENT ON AGENDA ITEMS:

A resident reminded the Board about the new responsible contracting ordinance and that all provisions should be observed in the bidding and rebidding of contracts.

Joe Rooney, resident, asked about the final settlement amount for an employee as previously discussed at the last Board meeting.

Ross Able, resident, commented that he is excited about the Abington Jenkintown Connections project, and he thanked Commissioner Winegrad for his work on it. Regarding the bike plan grant application, he requested that during design phase that the Township consult with DVRPC or the Bike Coalition of Greater Philadelphia to insure there will be a modern standard. Painted symbols on pavements are generally not a successful approach to bike infrastructure and the gold standard are solid painted lanes with physical separation from car lanes targeting safety first and foremost.

Lora Lehmann, resident, suggested that agenda item BOC-07-030923 should have been discussed during a working session, and she asked about the new code officials.

Remington Daron, resident, said he supports the bike lane grant as they should be protected.

President Hecker replied that will be reviewed during the design phase.

A resident expressed concern about the bike plan project suggesting that a traffic study be done because it will impact the roads and could be a “legal nightmare for Abington.”

Scott Shepherd, resident, asked how the new bike lanes could impact bus routes.

President Hecker replied there will be no impact.

Kizzy Wooten, resident, 100 York Apartments, thanked Commissioner Winegrad and Township officials for holding a meeting to address resident’s concerns, and the property owner should care enough to do the same.

James Stevens, resident, said he supports the agenda items relating to implementation of the bike plan project, and thanked Commissioner Winegrad for his support.

CONSENT AGENDA:

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

To approve the minutes from the Board of Commissioners Regular Meeting of February 9, 2023.

To adopt Resolution 23-004 authorizing the destruction of certain police records.

To adopt Traffic Safety Ordinance No. 2204, amending Chapter 156 - “Vehicles and Traffic,” 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; to add “No Parking” on the north side of the 2400 block of Rubicam Avenue between Easton Road and Arnold Avenue; “No Parking Here to Corner” on the east and west side of Fairview Avenue 30 feet north of the posted sign on the west side and 30 feet north of the corner on the east side of Fairview Avenue; “No Parking Between Signs” on the west side of Wanamaker Road 20 feet either side of the common driveway at the north and south end (636).

To approve the escrow release request #4 for LD-16-06, 1235 Meinel Road Subdivision in the amount of \$54,841.49.

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

MOTION was ADOPTED 14-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Item BOC-04-030923:

Vice President Vahey made a MOTION, seconded by Commissioner Zappone to reject all mowing contract bids and rebid.

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

MOTION was ADOPTED 14-0.

Item BOC-05-030923:

Vice President Vahey made a MOTION, seconded by Commissioner Rothman to award the following annual Public Works Materials Bids, and authorize the Township Manager to execute all contracts for the following bids:

- 2023 Superpave Materials Bid – Bid Award to Glasgow, Inc., in the amount of \$1,281,275.00.
- 2023 Ready Mix Concrete Bid – Bid Award to JDM Materials Co., in the amount of \$23,525.00.
- 2023 Engineered Retaining Wall System Materials Bid – Bid Award to Eureka Stone Quarry, Inc., in the amount of \$40,000.00.

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

MOTION was ADOPTED 14-0.

Item BOC-06-030923:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to award the Abington Township Sign Shop Printer Bid to Grimco Inc., in the amount of \$27,960.00 and authorize the Township Manager to execute the contract.

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

MOTION was ADOPTED 14-0.

Item BOC-07-030923:

Briefing regarding 100 York Road and 101 Washington Lane and consider proposed ordinance amendments –

Manager Manfredi announced that as of March 1, 2023, Fire Marshal John Rohrer retired, and he introduced Mr. Chris Platz, who has been selected as Fire Marshal for Abington Township. Also, the Code Enforcement Division will be shifted under our newly selected Fire Marshal. He thanked Ms. Kim Hamm for taking on the responsibility of assisting and managing the Code Enforcement Division while awaiting this opportunity.

Mr. Tom McAneney said regarding the 1993 BOCA Code and the International Property Maintenance Code 2021 Edition, both codes are similar, which is to insure property maintenance; however, the BOCA Code is almost 30 years old, nearly out of circulation, and the language is vague and leaves subjective discretion up to code inspectors. The IPMC is more readily accessible and uses modern terminology that is specific and detailed and allows for a more standardized approach for enforcement.

Proposed amendments to the ordinance will be Townshipwide and the ordinance will be updated to the latest version of the IPMC as it becomes published. There are 13 proposed amendments attached to the ordinance with most of them carried over from the previous code, but the specific five recommended amendments are as follows:

To change the heat to be a minimum of 65 degrees in a rental unit; to require buildings equipped with multiple elevators to have at least 50% of them in working condition; require the addition of portable fire extinguishers to rental units; require smoke alarms in all rental units; and require carbon monoxide alarms in all rental units.

Any property maintenance complaints should go through the Citizen Service Request portal on the Township's website.

Manager Manfredi noted that this matter was placed on the Board of Commissioners Regular Business Meeting instead of the working session as it was important to move this matter forward sooner than later to assist the residents.

President Hecker asked for any comments from Commissioners.

Commissioner Schreiber asked about inspections of fire extinguishers and whether an inspection could be made prior to a new rental.

Mr. McAneney replied that would need to be addressed by other ordinances. The Township does not have the power to enter a dwelling for inspection, so a request would need to be made by the resident, and currently, there is no program for inspection prior to new rentals.

Commissioner Zappone asked about the number of elevators noting that state law requires they are inspected and certified each year. Has that been done and were the disabled elevators repaired?

Mr. McAneney replied there are four elevators, and inspection was done by the State's L&I most recently on January 26th, although there was a span of time when there were no inspections. One elevator has been completely refurbished, one stayed in operation off/on and the other two have not been addressed, although the older one that had been in operation went down last night, and maintenance was notified as soon as that occurred.

Commissioner Bowman questioned whether the State of Pennsylvania has adopted the new property maintenance code?

Mr. McAneney replied that the State does not take a stance on property maintenance codes. They leave it up to the individual municipality.

Commissioner Spiegelman clarified that when a new tenant moves in can they request an inspection?

Mr. McAneney replied yes.

Commissioner DiPlacido questioned whether the Township is in good standing with these ordinances currently or could they be challenged?

Solicitor Clarke replied these codes are adopted and generally accepted. He is not familiar with anyone questioning the codes as written, most of the challenges relate to it being applied. Adoption by the Township and using it as a baseline would be on solid ground.

Commissioner Thompson said the IPMC is written by the International Code Council, which is the gold standard of codes and has been adopted by many other municipalities, and he will support this moving forward.

Commissioner Vaughn said if the Township adopts this code, what recourse do we have to assist residents if this entity continues to not follow through or uphold the values of Abington Township.

Mr. McAneney replied that it will be a combination of enforcement and educating the residents on what other mechanisms could be used.

Commissioner Winegrad said the IPMC is more expansive with modern language, and he fully supports it and urged his colleagues to do so too. The proposed amendments would go a long way in helping the residents of the Township specifically those from 100 York Apartments, and this is the one time when the process should be expedited.

Commissioner Bowman asked does the BOCA code require that only one elevator must be working?

Mr. McAneney replied yes, however, one of the proposed amendments is to change the code to require that 50% of the elevators in the building must be working.

Solicitor Clarke added that the Township is on solid ground by including a section that requires properties with multiple elevators to have at least 50% of them operating at any given time, and there is no restriction in the IPMC or the BOCA code preventing the Township from doing that.

Commissioner Zappone questioned whether the Township can mandate the owner of the property to get the elevators repaired, inspected, and put back in service as this is a safety issue for residents.

Solicitor Clarke replied that the licensing and inspection of elevators is within the jurisdiction of the Pennsylvania Department of Labor and Industry. As part of the Township's code, it will be required that if there is one elevator it must always be operating; if there are two, one must always be working, and if there are four, two must always be working.

Commissioner Henry asked what goes beyond that requirement.

Solicitor Clarke replied there is a notice of violation issued that includes a cure period, and if they fail to cure, a citation is filed and it goes before the District Justice, and if they are fined, they need to pay it. Currently, there are 37 active dockets before the District Justice for violations at this property.

Commissioner Henry said following adoption of the new code, can enforcement begin at that time or is there a grace period?

Solicitor Clarke replied the ordinance has a five-day enactment period.

Commissioner Vaughn asked is having two functional elevators proportionate to the amount of people living in this building and could the Township legally change that?

Solicitor Clarke replied the ordinance pertains to not only residential but all properties with elevators, so linking it to a certain number of residents would not have the same impact on commercial buildings.

Commissioner Bowman noted that anything that occurs before the District Justice can be appealed in the Court of Common Pleas.

Fire Marshal Platz gave a brief presentation on the interactions at 100 York Apartments between February 3rd and March 8th, 2023.

Commissioner Zappone questioned whether the fire extinguishers in the hallways and all around the building were inspected, certified, and tagged, and is there emergency backup lighting in the hallways as well as testing of smoke detectors.

Fire Marshal Platz replied there was a complaint, and it was confirmed that there were extinguishers out-of-date, so a notice was issued to get it corrected within 30 days. He then went back to inspect every hallway of both buildings and found 33 were either still out-of-date, out of test for hydrostatic, empty, or missing. He also checked to make sure the hallway lights are functioning properly. As of last annual inspection, the smoke detectors were working, and all other items were tested in accordance with the required NFPA (National Fire Protection Association) guidelines.

Commissioner Schreiber questioned whether management indicated they were going to make repairs.

Manager Manfredi replied management was cooperative and indicated they were interested in working with the residents, so the Township is working with them but insisting on compliance.

Vice President Vahey questioned whether any of the elevator issues relate to the recently refurbished elevator.

Fire Marshal Platz replied yes, the two elevator alarms. A small protective cover will be placed on them to prevent accidental bumps with stickers advising residents.

Commissioner Vaughn questioned whether there is a dollar amount associated with the 37 violations that would force them to make the corrections.

Fire Marshal Platz replied the first step is a notice of violation and they have a certain amount of time to correct the deficiency depending on the severity and scale. A citation is issued, and the matter goes to court where a penalty is imposed with a maximum fine of \$1,000 per violation.

Commissioner DiPlacido asked how many fire companies/personnel respond to an elevator alarm?

Fire Marshal Platz replied that the McKinley Fire Company responds to elevator alarms averaging one-two trucks with several members. When there is an elevator entrapment, the McKinley Fire Company along with Weldon's rescue truck responds.

Commissioner Vaughn expressed concern that a \$1,000 fine is not enough for the property owners to correct their behavior.

Solicitor Clarke replied that the Township cannot charge for emergency services that are supported by tax dollars.

Commissioner Spiegelman questioned whether the District Justice could impose multiple fines under her discretion.

Solicitor Clarke replied no, she is constrained by the code.

Commissioner Winegrad clarified that violations can be \$1,000 per day, per violation, so it adds up. He is happy that the code will strictly be construed, and the Township will continue to prosecute, so hopefully the property owner will get the picture.

Solicitor Clarke clarified that the Township's codes need to be updated and proposed ordinance is not solely in response to the issues of this property, nor will it solely apply to this property, but will be enforced townshipwide.

Vice President Vahey made a MOTION, seconded by Commissioner Rothman to approve advertisement of an ordinance to repeal Chapter 98 Housing Standards in its entirety and replace it with the International Property Maintenance Code 2021 with the proposed amendments and repealing all inconsistent ordinances.

President Hecker asked for any public comment.

George Clay, resident, 100 York Apartments, said regarding the refurbished elevator, two people got stuck last year, so it cannot be trusted. Also, the garage is crumbling from leaking water, and it will get worse and may fall, and the garage door is broken. He reached out to the property manager and the property owner about meeting to discuss the issues, but they will not meet with him.

Linda Muntz, resident, Twin Brooks, asked for the new codes to be enforced today to help keep residents safe.

Kizzy Wooten, resident, 100 York Apartments, said she lives on the 8th floor where they spackled and sanded causing dust particles that she felt sick from. Living there is a nightmare.

Sarah Love Heughes, resident, 100 York Apartments, said she is leaving the building because living there is a complete nightmare with nonworking elevators, rodents, and low water pressure. It is getting worse, and she cannot take it anymore.

Lora Lehmann, resident, expressed concern about the living conditions at the 100 York Apartments that has 37 violations.

Julee Mahon, resident, 100 York Apartments, said as tenants we signed contracts that should allow basic living conditions for safety, protection, and soundness of the building, and we do not have that. Changes to the code are great, but not enough to deal with the property in general, so if there is anything else we can do to “fight the good fight” at 100 York Apartments, please keep us in the loop and continue to help us.

MOTION was ADOPTED 14-0.

Item BOC-08-030923:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to approve Resolution #23-005 the submission of the “Abington Master Bicycle Plan Implementation Project” grant application to Montgomery County’s Montco 2040 grant program.

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

MOTION was ADOPTED 14-0.

Item BOC-09-030923:

Vice President Vahey made a MOTION, seconded by Commissioner Thompson to approve an extension for agreement C000072116 by and between the Department of Community & Economic Development for the Multimodal Transportation Fund Grant, which supports the Abington Jenkintown Connections Project until June 30, 2024.

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

MOTION was ADOPTED 14-0.

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to appoint Lance Weatherly to the Planning Commission for a term ending 12/31/27 and Kate Schoener to the Zoning Hearing Board for a term ending 12/31/28 as included in Exhibit A.

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

MOTION was ADOPTED 14-0.

FINANCE COMMITTEE:

Item FC-01-030923:

Commissioner Winegrad made a MOTION, seconded by Commissioner Schreiber to approve the January 2023 expenditures in the amount of \$2,744,435.57 and salaries and wages in the amount of \$2,546,390.56, and authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of April 2023.

Roll call resulted in motion being passed 14-0. Commissioner Bole was absent during roll call.

PUBLIC COMMENT:

Adele Kubel, resident, expressed concern about “urban-style blight” of commercial businesses and apartments as well as “apartment complexes built in every congested parking lot,” and she presented photos.

Manager Manfredi and Mr. McAneney addressed concerns expressed by Ms. Kubel.

Richard Flanagan, resident, expressed concern about potholes on Shady Lane.

Chris Brock, resident, expressed concern about a campaign for eradication of transgender people, and he requested that the Board take action to resist these attacks reassuring our community in protecting their lives and human dignity.

George Clay, 100 York Apartments, expressed concern about the intersection of Welsh and Easton Roads where traffic is always backed up because there is confusion about the right turn lane.

President Hecker replied that the right turn lane does not begin until it gets closer to the intersection, so traffic is stuck in the middle until it can make the right turn.

Commissioner Vaughn noted that the intersection is a PennDOT roadway.

Ross Able, resident, said he supports the Township pursuing funding for sidewalks specifically in his neighborhood east of Jenkintown as well as adding sidewalks connecting to the Fairway. Also, he suggested the Township partner with Jenkintown Borough and Cheltenham Township for a traffic-calming study for Rt. 611.

Lora Lehmann, resident, expressed concern about the 37 violations and health hazards.

ADJOURNMENT: 9:08 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinance and resolutions were adopted by the Board of Commissioners on March 9, 2023:

Ordinance No. 2204

Resolution 23-004

Resolution 23-005