

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, April 11, 2024 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, LANEY-MARTIN, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, 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 no action will be taken on agenda Item PW-02-081221 and will be moved forward for consideration at a future date of the Board of Commissioners Regular Meeting.

Also, the Township has received Gold Certification through the U.S. Green Building Council. The LEED for Cities certification process evaluated and measured a variety of environmental, social, and economic metrics across nine categories, and this Gold Certification demonstrates Abington's commitment to sustainability and its continued integration into our Township's operations.

Manager Manfredi recognized the EAC and Ms. Ashley McIlvaine who spearheaded this initiative that resulted in this honor by achieving excellence across all departments and the work being done throughout the Township.

Ms. McIlvaine said the LEED for Cities Certification was a collaborative effort that began four years ago where we evaluated our operations and measured our initiatives across all departments of the Township. She thanked the Board of Commissioners, Township Manager, Shade Tree Commission, EAC, Human Relations Commission and everyone involved for their hard work.

PUBLIC COMMENT ON AGENDA ITEMS:

Dr. Irene Hurford, resident, said the Galman Group is proposing a new medical office building and there are about 11 of them within a five-to-10-minute drive from this location, and once the land along the Abington Club is paved, it will never be green space again.

They bought the land zoned for conservation/recreation, and they have a right to use it as currently zoned or sell it, but they do not have a right to force a zoning change to pave it, which will not benefit our community.

They have not demonstrated good faith effort to offset or protect green space, and a proposed medical office building is not something the community wants or needs, so she urged the Board of Commissioners to vote “no” on rezoning the recreation/conservation land.

Adele Kubel, resident, expressed concern about the decline of green space and Galman’s new apartments that create more congestion and trash. Also, she was opposed to any change made to the RPOS Advisory Committee’s scope and duties.

Matt Glaser, resident, commented that a change in zoning would be a “bad move” for Abington. He does not want to see anything hurt the viability of the Abington Club, so the Board should vote “no.”

Maria Keirnan, resident, commented that zoning is supposed to control private land use for the common good, so the interest of private property owners must be weighed against public interest. Land set aside for conservation and recreation in an area as densely built as this one should not be rezoned unless there is a significant demonstrated need, so how does another medical office building and an oversized parking lot meet that threshold?

This green space protects the headwaters of Shoemaker Run Creek, which is a tributary to the Delaware River that supplies drinking water to millions of people. Existing parking lots at the Pavilion contribute to high pollution levels in the creek, and water quality problems will be made worse if this land is paved.

The Galman Group acquired this land that came with certain rules governing how it can be used, and rather than following the rules, they are trying to change them for their benefit and to the detriment of the rest of us.

Lora Lehmann, resident, agreed with those who spoke against the zoning change, and the Board should vote “no.”

Jonathan Rosenbaum, resident, expressed concern about the loss of green space that the residents benefit from. The issue of drainage has not been addressed, and for Galman to create additional parking and take away green space would be a great loss for our community, so the Board should reject this proposal.

Manager Manfredi introduced Ms. Jessica Tholey as the Township's new Director of the Parks and Recreation Department.

CONSENT AGENDA:

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

To approve the minutes from the Board of Commissioners Regular Meeting of March 14, 2024.

Proclamation recognizing April 27, 2024 as Arbor Day.

To adopt Resolution No. 24-020 authorizing the destruction of certain Police Records.

To adopt Resolution No. 24-021 authorizing the disposition of Abington Police Department employment records of those not hired according to Township policy.

To authorize the proper officials to sign the Agreement for Workers' Compensation Self-Insurance Claims Administration between the Township of Abington and the Delaware Valley Municipal Management Association (DVMMA).

To approve the license agreement granting a revocable, nonexclusive, limited license (hereinafter the "License") to enter the Township's property for the purpose of engaging in the permitted activities at 659 Hamel Avenue, Parcel No. 30-00-44148-00-3.

To adopt Ordinance No. 2212 amending Chapter 156 – "Vehicles and Traffic," Article IV – "Metered Parking," Sections 30 through 38; and amending Chapter 157 "Parking of Vehicles," Sections 2 – "Violations and Penalties," and 5 – "Notice," and repealing all inconsistent ordinances and approve the agreement.

To approve the Escrow Release #1 for LD-22-03 – Autozone located at 1318 & 1330 Easton Road (Parcel #'s 30-00-14016-00-3 and 30-00-14020-00-8, in the amount of \$241,582.00.

To approve the Burn Building Roof Repair project change order as a result in a decrease of the contract price in the amount of \$49,334.00.

To approve the 5th Amendment to the Forensic DNA Testing and Local Database Agreement with BODE CELLMARK FORENSICS, Inc., and to authorize the Township Manager to execute the agreement.

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

MOTION was ADOPTED 14-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Item BOC-10-041124:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to appoint Baker Tilly US, LLP to perform the Township Manager search as outlined in their proposal.

President Hecker said we need to make sure we continue along the path of momentum that the Board has built over the past seven years, and by having the assistance of a firm that specializes in this type of service, will lead us in making the proper choice, so he is in favor of this motion. He asked for any comments from Commissioners.

Commissioner Winegrad asked for the proposed timeline.

President Hecker said if this is passed this evening, work will begin this month and we would then be able to appoint a new manager at the November Board meeting.

Commissioner Brodsky said Mr. Manfredi has always been responsive to the residents of his ward and has stepped up to the plate for them. He is sorry to see him go and whoever replaces him will have big shoes to fill.

MOTION was ADOPTED 14-0.

Item BOC-11-041124:

Public Hearing – Ordinance No. 2213 –

Vice President Vahey made a MOTION to open a Public Hearing on Ordinance No. 2213 amending the Official Zoning Map of Abington Township by rezoning 2.621 acres of land from the RC-Recreation Conservation District to the BC-Business Center – Foxcroft District, seconded by Commissioner Winegrad.

MOTION was ADOPTED 14-0. Public Hearing opened at 7:32 p.m.

Solicitor Clarke said this is a hearing on an ordinance amending the Abington Township Zoning Map by rezoning 2.621 acres of land from the RC-Recreation Conservation District to the BC-Business Center – Foxcroft District. The proposed ordinance will make a change to Section 1 that contains the zoning map amendment to rezone a portion of Parcel #30-00-42724-01-4 from RC-Recreation Conservation District to the BC-Business Center - Foxcroft District. All other aspects of this ordinance will not change, and the notice for the hearing was advertised in the Bucks County Courier Times on March 28, 2024.

The applicant is represented by Marc Jonas, Attorney who is requested to present any information, documents, or testimony. There is no party status for this hearing and public comments will be taken following the presentation.

Mr. Jonas said the proposed map amendment has been reviewed and endorsed by both the Township and County Planning Commissions.

The Pavilion is a multiuse property dating back to 1968 and the Galman Group acquired it in 1996 and renovated it. It has a lot of old design and infrastructure that attracts new tenants, which is the reason for a proposed new medical office building to help provide a “shot in the arm” for a shopping center and multiuse development.

If the Board votes to change the zoning of this 2.621 parcel, the next step will be the land development process that includes details of construction and improvements, stormwater management, and landscaping. The applicant has reviewed the existing conditions, and the existing vegetation will be supplemented with a net gain of approximately 1,700 sq. ft. of green area.

The map shows proposed change to the zoning line from RC-Recreation Conservation to BC-Business Center – Foxcroft including an aerial view of the existing conditions, the existing landscaping and buffers between Lenox Road and the proposed medical office building.

The golf course is not part of the property to be rezoned. It functions independently and is owned by the John Barnes Trustees. The golf course has already been adjusted in the past to exist as is without any adverse impact from the proposed rezoning, and the applicant requests that the Board of Commissioners vote affirmatively on the proposal.

Commissioner Winegrad clarified that all details of the project would go through the land development process. Is that correct?

Mr. Jonas replied yes. It will go through the land development process and will be reviewed by the County and Township Planning Commissions at a public meeting. Also, any existing conditions such as stormwater management that may need to be improved will be reviewed by the Township Engineer.

Commissioner Winegrad questioned whether this plan in any way affects the golf course and its operations, or green space between the commercial property and the residents.

Mr. Jonas replied it does not.

Commissioner Winegrad questioned whether the Galman Group has been in touch with residents of Lenox Road to discuss their needs or address their concerns.

Mr. Jonas replied there was a specific request by a property owner who had already decided to put his property up for sale about what was being proposed, so we had a site visit with him.

Commissioner Winegrad clarified that the Township has assurance by the Galman Group that the plan will go through all the necessary planning processes for land development. Is that correct?

Mr. Jonas replied yes, and the owner is very committed to this property.

Commissioner Winegrad clarified that a medical office building is the sole intended use. Is that correct?

Mr. Jonas replied yes.

Commissioner Browne said would the net gain in green space be public access green space?

Mr. Jonas replied it is part of the entire town center so there would be public access.

Commissioner Browne asked for the total acreage of the Pavilion, and were studies done on how much acreage is currently unused such as parking space, and were any other alternatives considered for reinvigorating that space, and if so, why was it decided to pursue this route?

Mr. Jonas replied he does not recall the total acreage, but the site is the entire town center with several tax parcels. Adding green area and public gathering space are part of this review, and he is not sure about any excess parking, although it is possible to reduce the amount of it.

Commissioner Browne asked has calculations been done to see how many parking spaces are needed for the use of the building.

Mr. Jonas replied as part of the process, with input from the Township and County Planning Commissions, if we find that there is too much parking space, we will see what we can do as we cannot put the property into noncompliance.

Commissioner DiPlacido asked how many offices are projected to occupy the new building?

Mr. Jonas replied it will be a three-story building and it will depend on the market as to who we can attract as a tenant.

Commissioner DiPlacido asked how many parking spaces are needed for this building?

Mr. Jonas replied he does not recall the total amount, but it will be code compliant.

Commissioner DiPlacido said the parking lots in the back of the property are empty, so is there a plan to utilize that unused space?

Mr. Jonas replied remote parking would be a problem for a tenant of a medical office building; however, if there is an opportunity to eliminate parking and add new green area and not compromise code compliance or the ability for this property to function, it would be in our best interest to do that.

Commissioner Spiegelman asked about the areas where additional green space is proposed as well as the future of the Pavilion.

Mr. Jonas presented the map showing the areas where green space can be added to offset the green area from development and construction of the building and parking. Also, we feel this new building will attract other tenants.

Commissioner Schreiber questioned whether the owners of the golf course are in favor of it.

Mr. Jonas replied there have been no negative comments from the Abington Club or the John Barnes Trustees as we have a good working relationship with them, and this will not affect the golf club.

Commissioner Schreiber clarified that green area could be added to where those parking lot spaces are not used as much. Is that correct?

Mr. Jonas replied perhaps if we do not put any part of the property in violation status, and if we find there is excess parking not being used, we will consider eliminating some of it.

Commissioner Bowman clarified that the Galman Group owns this parcel. Is that correct?

Mr. Jonas replied yes.

Commissioner Bowman questioned whether the land proposed to be rezoned is a former part of the golf course.

Mr. Jonas replied part of the 9th hole used to be on the property and then it was relocated, so now there is no part of the golf course located in the area proposed to be rezoned.

Commissioner Winegrad called on Mr. Khal Hassan, Township Engineer, to speak on the issue of stormwater management.

Mr. Hassan said per the Township's Stormwater Management Ordinance, stormwater management needs to be addressed for any property to be developed as well as any additional impervious surface proposed as part of the project. Underground stormwater facilities detain runoff, infiltrates, and discharges at an acceptable rate.

Commissioner Winegrad clarified that a stormwater management plan would address concerns of the neighboring properties downstream. Is that correct?

Mr. Hassan replied he would make sure it is designed to the utmost requirement addressing any existing issues affecting downstream.

Commissioner Winegrad asked about the code requirement for removal of trees, shrubs, etc.

Mr. Hassan replied Abington Township has a strict landscape ordinance. The applicant must replace the removal of any tree of a certain caliper with two trees. There are also screening, buffering, and lighting requirements that the applicant will need to comply with as part of his review of the project.

Commissioner Browne questioned whether this property has ever been in noncompliance with stormwater management requirements currently or any time in the past.

Mr. Hassan replied he is not aware of any existing ongoing issues; however, if a land development application is submitted, that will be the first investigative steps taken as part of the review and approval of the project.

President Hecker asked for any public comment.

Carlos Londono, resident, commented that this project will affect our community and our neighborhood golf course. Why do they want to destroy our green space? Why do we need more vacant offices and parking spaces for empty offices? We do not want any part of this project in our neighborhood, and he has not heard anything tonight that represents him, his family, or his neighbors.

Mike Benedict, resident, said he works in corporate America, and you cannot make a presentation to a Board without doing your due diligence about how big the building will be, the number of parking spaces, and issues with drainage, so they need to do their homework, get the facts, and then come back and present it to the community.

Michael Cameron, resident, suggested that the proposed parking lot be cut in half, and since the Galman Group would be open to discussion, a vote should not take place tonight.

Dr. Matthew Hurford, resident, commented that he is opposed to the rezoning request. The proposal would decrease the green space, divide our community, and affect the golf course. There is already ample vacant office space and a lot of unused parking, so how would letting them build out more of what they already have be a “shot in the arm?”

He urged the Board of Commissioners to put the needs of residents and neighbors of Abington Township before the Galman Group who have failed to demonstrate good stewardship of the land, strong community-based approaches and have not honored the sacred natural space that makes Abington the type of community we want to call home.

Dana Bate, resident, commented that she does not understand the rationale for the intended use of this space when there are already high vacancy rates in an existing building and an unused parking lot, so since there is a lot of information lacking and outstanding questions, it is not the appropriate time to move forward with this.

Commissioner Schreiber said many of the concerns expressed tonight will be addressed during the land development process.

Commissioner Winegrad thanked the residents who attended this evening, and all their concerns are the same as his and will be addressed.

Vice President Vahey made a MOTION, seconded by Commissioner Bowman to close the Public Hearing.

MOTION was ADOPTED 14-0. Public Hearing closed at 8:25 p.m.

Vice President Vahey made a MOTION, seconded by Commissioner Bowman to adopt Ordinance No. 2213 amending the Official Zoning Map of Abington Township by rezoning 2.621 acres of land from the RC-Recreation Conservation District to the BC-Business Center – Foxcroft District.

MOTION was ADOPTED 11-3. Commissioners Laney-Martin, DiPlacido and Browne opposed.

Commissioner DiPlacido said it is always a slippery slope when zoning amendments are considered especially for the RC-District and that is why he is opposed to it, and he will always oppose any type of proposed zoning district line movements for the RC-District.

Item BOC-12-041124:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to adopt the Recreation, Parks and Open Space (RPOS) Advisory Committee Scope and Duties.

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

MOTION was ADOPTED 14-0.

Item BOC-13-041124:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to approve an Inter-Municipal Agreement with Cheltenham Township and Jenkintown Borough for the maintenance of Traffic Signals and Street Lights and authorize the Township Manager to execute the agreements.

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

MOTION was ADOPTED 14-0.

Item BOC-14-041124:

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

- 2024 Ready Mix Concrete Bid – Bid Award to Delaware Valley Concrete Co., Inc. in the amount of \$59,320.00.
- 2024 Storm Sewer Inlets and Manhole Structures Bid – Bid Award to Commonwealth Precast, Inc., in the amount of \$57,076.00.

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

MOTION was ADOPTED 14-0.

Item BOC-15-041124:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to approve Change Order No. 3 from Clipper Pipe and Services, Inc. in the amount of \$59,570 and Electri Tech in the amount of \$33,667.15 for the Abington Township Building HVAC upgrade project.

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

MOTION was ADOPTED 14-0.

FINANCE COMMITTEE:

Commissioner Winegrad made a MOTION, seconded by Commissioner Brodsky to approve the February 2024 expenditures in the amount of \$3,002,684.78 and salaries and wages in the amount of \$2,289,569.52 and authorize the proper officials to sign and approve invoices and supporting documentation in payment of bills and contracts as they mature through the month of May 2024.

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

PUBLIC COMMENT:

Adele Kubel, resident, thanked volunteers for clearing various roads of blight. She expressed concern about dangerous streets, blighted businesses, and apartments. The bike infrastructure has not been successful and “Vision Zero has failed for over a decade.”

Nick Pillsbury, resident, expressed disappointment about removing the agenda item relating to the offer of dedication as he and his neighbors were looking forward to the installation of sidewalk for safety.

President Hecker replied the ward Commissioner has been working tirelessly along with the Township Manager and the engineer, and we understand the frustration and would like to see it move forward as well.

Joe Rooney, resident, suggested that staff from Public Works who are retiring should be recognized as they do a great job. Also, he thanked Mr. Jones for his assistance with those who were cleaning up Old Valley Road. He suggested that the Township work with the School District on “fixing the school problem” instead of borrowing money to build a new one.

Lora Lehmann, resident, expressed concern about the amount of public speaking time; also, about supporting the residents regarding the stormwater problems in the Lenox Road area.

Commissioner Bowman said he wants to take a moment to mark the end of Eric Dixon’s collegiate basketball career at Villanova. Eric has thrived athletically and personally at Villanova. A recent article in the Inquire noted Eric’s maturation and his graduation while in the Wildcat’s Basketball Program, and he congratulated and wished him well as Eric embarks on his professional career.

ADJOURNMENT: 8:45 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinances and resolutions were adopted by the Board of Commissioners on April 11, 2024:

Ordinance No. 2212

Ordinance No. 2213

Resolution No. 24-020

Resolution No. 24-021