

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, June 13, 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, LANEY-MARTIN, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, SPIEGELMAN, SCHREIBER, BOWMAN, VAHEY, HECKER  
Excused: Commissioners DiPLACIDO, BOLE

Also Present: Township Manager Manfredi  
Assistant Legal Counsel Gallagher

## **PLEDGE OF ALLEGIANCE**

**BOARD PRESIDENT ANNOUNCEMENTS:** None.

## **PUBLIC COMMENT ON AGENDA ITEMS:**

Adele Kubel, resident, expressed concern that the minutes should reflect all events and statements made in May. Also, “Being against a Township-sponsored pride flag raising and celebratory plaque pride events on D-Day does not equate to hating the queer community,” and the “black screen, no sound, go-to response is meant to protect the leadership of Abington and this type of editing distorts the facts and is government censorship.” And she would not have known about the D-Day or Pride Celebration events if she had not been to the meeting last month and citizens should be able to vote on these types of decisions.

Joe Rooney, resident, expressed concern that no one in the Township wants 150 rowhomes built on St. Basils, and he encouraged the Board to vote “no.” The School District has complained they do not have enough classrooms for their middle school and there is a high school at St. Basils that may need renovation, but still has 47 acres of land, and we should rent that property for the School District for 10 years, which is an opportunity that has not been discussed.

John Tracey, resident, expressed concern that Toll Brothers does not care about the neighbors around their build; they will be moving large equipment on our streets; there will be loud noise from construction at all hours and it will cause spillage and release air born materials and toxins into the Fox Chase Road and Manor College area as well as into the stream.

Also, were the Sisters of St. Basils under any restrictions as to who they can resell their land to? Has the EPA been contacted regarding the possible release of asbestos into the air from demolition of the school building and who will be responsible for making sure the demolition will be done per government standards? Do the subcontractors working for Toll need separate permits to work in Abington, what are their designated working hours, and do they need to file per the noise ordinance? And who should we contact if there is any abuse?

Vince Kelley, resident, commented that he is disappointed that the Township did not have the ability to act on this property. St. Basils owned the property since 1929 and did not pay taxes as it was community service, so the Township should have had the first right of refusal. He wants to be sure that the property will be developed appropriately and properly. It is 47 acres of land, and everyone moves outside the city for more open space, and we are fighting for more space in every area, and “then roll over and allow development to occur,” which is unfortunate.

Lora Lehmann, resident, commented that the Township should have taken that land and preserved it. We need community service land, and don’t need any more residences. She expressed concern about proper speaking rights; the budget should be presented early; and about Lubavitch “upping” their contract and the amount they pay for heating should be investigated. And properly vetted items should be the only ones forwarded for advertisement for a hearing.

Liz Kerr, resident, commented that she just found out that St. Basils property had been liable for unpaid taxes all these years, and she asked about looking into the first right of refusal. She expressed concern about Lubavitch not paying what they should, and it is not open to anyone other than their own community.

## **CONSENT AGENDA:**

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

To approve the minutes from the Board of Commissioners Regular Meeting of May 9, 2024.

To approve the Township’s 2024 CDBG Annual Action Plan and the associated resolution for submission to HUD.

To adopt Traffic Safety Ordinance No. 2214 amending ordinance Chapter 156 – “Vehicles and Traffic,” Article II - “Traffic Regulations” Section 14 – “Stop Intersections,” Article III – “Parking Regulations” Section 27 – “Parking Time Limited,” and Article III – “Special Parking Zones,” Section 28 – to add the following: a “Stop” sign northbound on Ridgeway Avenue at the intersection of Old Welsh Road; and eastbound and westbound on Elliot Avenue at the intersection of Fitzwatertown Road: 2-Hour Parking on Charles Street, both sides, between Fern Avenue and Abington Avenue; and “Handicapped Parking” signs at 1410 Edgewood Avenue; and 640 Penn Avenue.

To approve a lease extension at Alverthorpe Manor for the Lubavitch of Abington effective August 1, 2024.

To adopt Resolution No. 24-023 authorizing the filing of an application for funds with the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania.

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

MOTION was ADOPTED 13-0.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

Item BOC-05-061324:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to approve the Final Major Land Development application LD-23-01 for the location at 711 Fox Chase Road, Jenkintown, PA, 19046 (St. Basils).

President Hecker asked for any comments from Commissioners.

Commissioner Rothman clarified that there was no communication between the Sisters of St. Basils and the Township regarding an opportunity to purchase the property. By the time the Township was involved, there was already an enforceable agreement in place where Toll Brothers were the rightful owners of the property. So, as a resident who lives near this project, he would also have preferred that it went in a different direction, but once that was no longer a reality, he dove in as much as possible to help the residents.

If this passes tonight, he will work hard to make sure that the owner of the property will be held accountable to the Township's zoning and land development requirements during construction and beyond, and he will help residents with any issues that may arise over the next few years with this ongoing project.

He encouraged residents to reach out to him about any concerns relating to demolition and asbestos removal, and he will make sure it is done according to the Township's rules and State laws. He will do his best to help residents with this difficult and unfortunate situation. Also, we did as a community explore alternate opportunities, but at that time, the owners of the property already made decisions to go in a different direction.

Vice President Vahey said he sympathizes with the residents as he cannot imagine what they are going through, and he is sorry for that. To address the idea that this property should be preserved as open space, the Township would have to purchase the property like anyone else and he doubts there are enough funds in the budget to make such a purchase that he assumes was in the millions of dollars.

Also, the Board does have the authority pursuant to a referendum to levy a tax for the very purpose of preserving open space and he is open to having that discussion to try to prevent something like this from happening again, but that will ultimately be up to the voters to decide whether to have a tax for that purpose.

And regarding the School District acquiring the property for a middle school; they would also need to buy the property and demolish the existing school building as St. Basils is over 60 years old and was designed to accommodate 400 students, so it is just as outdated as the middle school, which houses 1,800 students, and there is no way that St. Basils is a viable option, and any idea that it would be a 'cost saving measure for the taxpayers' is farfetched.

Commissioner Zappone clarified that this property was owned by the Sisters of St. Basils and they sold it to Toll Brothers. Is that correct?

President Hecker replied yes.

Commissioner Zappone said so how can we tell them who they can and cannot sell their property to. He can sell his property to anyone he wants to, and he is not going to have the government tell him to whom he can sell it. Rightfully, they own the property and have the right to sell it.

Commissioner Spiegelman said there are complicated rules and regulations for municipal entities and school districts on buying and selling property. It is not something that can be done in the same way that corporations, individuals or the Sisters buy property.

MOTION was ADOPTED 13-0.

Item BOC-06-061324:

Public Hearing to consider adoption of Ordinance No. 2215 amending the code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], by amending and restating Article III [R-1 Low Density Residential District], Article IV [R-2 Low Medium Density Residential District], Article V [R-3 Medium Density Residential District], Article VI [R-4 Medium High Density Residential District], and the Use Matrix Appendix to refine the provision of the E-10 [Life Care Facility (Continuing Care)] and E-12 [Nursing Home] uses.

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to open the Public Hearing.

MOTION was ADOPTED 13-0. The Public Hearing opened at 7:36 p.m.

A court stenographer was present to transcribe the testimony at the hearing.

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

MOTION was ADOPTED 13-0. The Public Hearing closed at 7:40 p.m.

Vice President Vahey made a MOTION, seconded by President Hecker to adopt Ordinance No. 2215 as stated in the agenda.

MOTION was ADOPTED 13-0.

Item BOC-07-061324:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to authorize the Solicitor to advertise Ordinance No. 2216 amending Chapter 162, the Zoning Ordinance to regulate the size of billboards.

Manager Manfredi explained that the impetus for this has been inquiries by various companies to place billboards in locations that may not be suitable. Township Solicitor reviewed the ordinance and advised that the Township move swiftly, and that is why this matter is on the agenda this evening.

Ms. Gallagher said that this would limit the size of the billboard faces to 200 ft., which is consistent with the largest sign area in the BC Districts and the recommended size limitation is generally consistent with the Montgomery County Planning Commission's model sign ordinance for visibility along roadways that are not limited access highways, and this is consistent with existing Township ordinances.

President Hecker asked for any comments from Commissioners.

Commissioner Browne questioned whether the ordinance covers both printed and digital billboards.

Ms. Gallagher replied yes.

Vice President Vahey asked about any location limitations.

Ms. Gallagher replied this will apply anywhere in the Township.

Commissioner Schreiber questioned whether there is a limit to the number of billboards within a certain radius.

Ms. Gallagher replied that is not part of this ordinance and she will need to review the existing code to see whether there is a limitation.

MOTION was ADOPTED 13-0.

#### **FINANCE COMMITTEE:**

##### Item FC-01-061324:

Commissioner Winegrad made a MOTION, seconded by Commissioner Spiegelman to approve the April 2024 expenditures in the amount of \$2,730,234.25 and salaries and wages in the amount of \$2,281,372.97 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 July 2024.

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

#### **PUBLIC COMMENT:**

Adele Kubel, resident, expressed concern about scheduling a pride celebration with flag raising on D-Day that goes against pride values and the values of an inclusive community. D-Day is an inclusive day of national remembrance for all those who fought and for the thousands that died. D-Day was the turning point in WWII, the deadliest conflict in human history. All heroes must be celebrated equally and less than one percent of WWII veterans are alive.

Also, she was concerned that Abington Township needs a Roslyn Library building; the Community Development Office needs to have a summer job program for high school students; commercial codes are not evenly enforced, and she submitted two petitions to the Township.

Joe Rooney, resident, commented that this has not closed yet, and Toll will pay the Sisters once they get the Township to agree to the waivers. Also, we should be congratulating and thanking our police and employees for their great work and promoting police officers at public meetings.

John Tracy, resident, commented that Toll does not have a great product and it's very expensive. This is not a great thing happening in our neighborhood and he wants to keep his community as nice as possible.

Vince Kelly, resident, commented that the trend has been that Catholic schools have not been able to sustain because enrollment has decreased over the last few years. Also, there were stipulations relating to the agreement of sale about whether they could get approvals from the Township to change the property from Community Service to residential and there were stopgaps that could have been taken, so in the future, are we going to stand up and make sure development is handled appropriately?

Lora Lehmann, resident, commented that the Township knew about St. Basils in advance and the Township has the funds for it, and it is “spot zoning.” Also, she was concerned about Cedar Road having no land development, but construction and demolition is ongoing.

John Thygeson, resident, questioned whether an environmental impact study was done for St. Basils property. Also, when did the number of homes go from 105 to 150?

Commissioner Rothman replied the plan was for 105 homes when it was for single family homes, but there were concerns from the public about adding more students to the school system, so as the project evolved, the space will be utilized by carriage homes. He does not recall that there was a commitment for an environmental study; however, Toll is required to comply with environmental parameters of land development per the Planning Commission in which they have done so.

Commissioner Laney-Martin said she would like to take a moment to celebrate David Mwaria, an Abington High School student living in her ward who was selected as the winner of the prestigious National Merit Scholarship placing him among the elite in the nation as well as in Crestmont of Ward 5.

David M. Waria received the National Merit University of Texas at Dallas College Scholarship, and his probable career field is electrical engineering.

It is important to celebrate our young people who are students in our community striving for excellence by uplifting them with our positive vibes and energy.

Additionally, Deacon Benjamin Berry, a WWII Veteran, who is 100 years old, born on September 21, 1923, grew up in Crestmont and graduated from Abington High School at age 19, and then entered the U.S. Military spending time serving in Normandy, France. Benjamin Berry was decorated with the French Legion of Honor and received this award on March 18, 2024 in Philadelphia.

In acknowledgement of David Mwaria who is just starting out in life, and Benjamin Berry who had a full rich life, both from Willow Grove, Crestmont section.

**ADJOURNMENT:** 8:07 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinances and resolution were adopted by the Board of Commissioners on June 13, 2024:

Ordinance No. 2214

Ordinance No. 2215

Resolution No. 24-023