

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, August 8, 2024 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Present: Commissioners BRODSKY, ROTHMAN, DiPLACIDO, LANEY-MARTIN, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, SPIEGELMAN, BOLE, SCHREIBER, VAHEY, HECKER
Excused: Commissioner BOWMAN

Also Present: Township Manager Manfredi
Township Solicitor Clarke

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS:

President Hecker announced that tonight's agenda under New Business is a public hearing for the adoption of Ordinance No. 2216 relating to an amendment to the zoning code for billboards, and we will take public comment on that agenda item during the hearing.

PUBLIC COMMENT ON AGENDA ITEMS:

Adele Kubel, resident, presented a photo of 1583 Rothley and commented that it is a "slum property" and the general condition photo misrepresented the "blighted slum property," and this property has a poor history, and plans have a high potential of being unfit. Do not reward "slum property owners" with development opportunities. She was also concerned about the minutes and that citizens questions and responses should be listed in them; also, her petitions were not described in the minutes; and her petitions were refused by the Township.

Lora Lehmann, resident, expressed concern about 1583 Rothley, which has been a mess, and it includes the process for this application. Also, that "townhome" has been added to the use matrix for R-4 and you cannot just allow one property to have townhomes, and this was not explained to residents.

Solicitor Clarke clarified that the text amendment did not add townhouses to the use matrix, it just eliminated this type of use by conditional use. By approving this, it does not change the zoning for the entire district. We are approving this one land development application.

CONSENT AGENDA:

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

To approve the minutes from the Board of Commissioners Regular Meeting of July 11, 2024.

To advertise a Traffic Safety Ordinance amending Chapter 156 – “Vehicles and Traffic,” Article III – “Traffic 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;” and Section 28 – “Special Purpose Parking Zones” to add the following: “No Parking Here To Corner” signs on Colonial Avenue, east side, at Radcliffe Avenue and a point 30’ north and Colonial Avenue, east side, at Lafayette Avenue and a point 30’ south; and “Handicapped Parking” signs at 2217 Albright Avenue and 2549 Ardsley Avenue and; remove a “Handicapped Parking” sign at 1024 Tyson Avenue.

To approve Axon Enterprises Contract for personnel accountability and management software for the Abington Township Police Department.

To award the traffic signal technologies bid to Armour and Sons in the amount of \$367,144 and authorize the Township Manager to execute the contract.

To ratify Abington Township Network Assessment – Change Order #1 for Melillo Consulting, Inc. for an amount not to exceed \$14,420.

To engage Rockwell Associates as the consultant for Township arborist as recommended by the Shade Tree Commission at the fees included in their proposal dated June 25, 2024.

To adopt Resolution 24-029 to allow the application for Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for the recovery from Hurricane Ida.

To award the Grove House Rehabilitation Architectural Services contract to Linn Architects in the amount of \$43,900.

MOTION was ADOPTED 14-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Item BOC-08-080824:

Public Hearing and adoption of Ordinance No. 2216 amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], by amending and restating Article XXII [Signs] to regulate the size of billboards.

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

MOTION was ADOPTED 14-0. Public Hearing opened at 7:11 p.m.

Solicitor Clarke said this is a public hearing for adoption of Ordinance No. 2216 amending the code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], by amending and restating Article XXII [Signs] to regulate the size of billboards.

The Township's billboard ordinance currently does not include any size limitations for billboards. We are putting a maximum square footage in the zoning ordinance, and it is the same size as the maximum for multi-tenant sign areas in the district, so there is a general size limitation for billboards.

President Hecker asked how were these dimensions determined?

Solicitor Clarke replied it is based on the maximum allowed for multi-tenant signs in that area.

President Hecker asked for any public comment. There were none.

President Hecker asked for any comments from Commissioners.

Commissioner Schreiber asked is there a limit on the number of billboards, and if not, is the Township permitted to limit them?

Solicitor Clarke replied the ordinance does not contain a limitation on the number of billboards, but there are restrictions on where they can be located in relation to the distance between another billboard.

Commissioner Browne asked are there any existing billboards that exceed the size limitation that would be grandfathered-in, and if they need maintenance or to be replaced, would they be required to fall under the new ordinance.

Solicitor Clarke replied any billboard that is currently larger than what will be approved this evening would be grandfathered-in. If there were any replacement or repair that is identical to what exists, that change would be permitted, but if there was any increase in size or a wholesale swap out of the billboard, they would need to comply with the new regulations.

Commissioner Winegrad noted that Mr. Narcowich, County Planner, recommended a relationship between the speed limit and the size of the billboards, so would that be included in this ordinance or just the maximum?

Manager Manfredi replied due to the timing in passing this ordinance, and after speaking with Mr. Narcowich and the Planning Commission, they understand we want to move forward and not prolong it and we will consider the recommendations regarding size of the billboards based on speed of the roadway at a future date, and they agreed.

President Hecker clarified there will be a Phase II. Is that correct?

Manager Manfredi replied that is correct.

Solicitor Clarke added that we are reviewing other aspects of the zoning ordinance relating to signs and some of these best practices as recommended by the MCPC may be incorporated, but due to the desire in getting this ordinance amended, we did not incorporate that at this time.

Commissioner Henry clarified that if this ordinance goes into effect, the maximum size will remain and then billboards on roads with lower speed limits will have different maximum size limitations. Is that correct?

Manager Manfredi replied yes, if the ordinance is passed in its present form, the maximum size limitations would remain until the ordinance is amended in the future relating to speed limits.

Commissioner Henry clarified that if any change happens in the meantime they would be grandfathered-in. Is that correct?

Manager Manfredi replied for the maximum size they have now, yes.

Commissioner Spiegelman asked Solicitor Clarke to remind everyone why the Township is unable to outright ban billboards categorically.

Solicitor Clarke replied billboards are permitted use, and any time a municipality tries to ban a permitted legal use such as billboards, the Township would be facing a validity challenge and will lose. The Township is permitted to place certain restrictions and permit certain uses only in certain zoning districts, but an outright ban on a legal use is unconstitutional.

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

MOTION was ADOPTED 14-0. Public Hearing was closed at 7:19 p.m.

Vice President Vahey made a MOTION, seconded by Commissioner Bole to adopt Ordinance No. 2216 amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], by amending and restating Article XXII [Signs] to regulate the size of billboards.

MOTION was ADOPTED 14-0.

Item BOC-09-080824:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to approve the Preliminary/Final Major Subdivision and Land Development for LD-23-03 – 1583 Rothley Avenue.

President Hecker asked for any comments from Commissioners.

Commissioner Laney-Martin said she spoke with neighbors who live adjacent or across the way from this property and they seem to be ok with the development.

MOTION was ADOPTED 14-0.

Item BOC-10-080824:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to consider a resolution approving Intergovernmental Agreement between Abington Township and Abington School District regarding BusPatrol America, LLC.

Manager Manfredi called on Deputy Chief Porter to speak on this item as well as agenda item BOC-11-080824.

Deputy Chief Porter said this is the automated enforcement program that some of the surrounding municipalities have been participating in for a few years. Cameras are mounted on the side of the school bus capturing violators passing school buses that have their red lights activated with their arms out, and we feel we can work with the School District on enforcement.

President Hecker asked for any comments from Commissioners.

Vice President Vahey asked why there is an Intergovernmental Agreement as well as Memorandum of Understanding.

Solicitor Clarke replied that the Intergovernmental Agreement is to ratify how the Township will be handling this with the School District and the Memorandum of Understanding is between BusPatrol America, LLC and the Township.

Commissioner Schreiber suggested having an education program on the rules for drivers around buses.

Commissioner Winegrad asked how the process will work on this automated enforcement program.

Deputy Chief Porter replied the camera will capture the violation and send it to BusPatrol, and they will vet it first. Then it would be sent to our Traffic Safety Unit and the Traffic Safety Officers will review each violation to determine whether to proceed and issue a citation. No points would be assigned to this violation, it is civil penalty for the driver.

Solicitor Clarke advised amending the motion on the floor to approve a resolution for the Intergovernmental Agreement as well as approve the Memorandum of Understanding.

Vice President Vahey made a MOTION to AMEND the MOTION to adopt a resolution approving Intergovernmental Agreement between Abington Township and Abington School District regarding BusPatrol America, LLC, seconded by Commissioner Schreiber.

MOTION as AMENDED – PASSED 14-0.

Item BOC-11-080824:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to approve a Memorandum of Understanding between BusPatrol America, LLC and the Abington Township Police Department in support of School Bus Stop Arm Enforcement Program.

MOTION was ADOPTED 14-0.

Item BOC -12-080824:

Vice President Vahey made a MOTION, seconded by Commissioner Bole to adopt Resolution No. 24-031 for the execution of a cable franchise agreement between the Township and Comcast Cable Communications Management, LLC.

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

MOTION was ADOPTED 14-0.

FINANCE COMMITTEE:

Item FC-01-080824:

Commissioner Winegrad made a MOTION, seconded by Commissioner Brodsky to approve the June 2024 expenditures in the amount of \$3,699,845.78 and salaries and wages in the amount of \$2,378,065.70 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 September 2024.

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

PUBLIC COMMENT:

Adele Kubel, resident, expressed concern about commercial businesses and apartment owners not being held accountable for blight and unsafe conditions. Also, on Old York, the Smile Center, carwash and Luke Oil have left their dumpsters open for years; apartments on 1500 Old York have trashcans turned over spreading trash; and Lees Hoagies needs a streetlight in the area, it is pitch black at night and dangerous. And she was concerned about additional apartment development and creating dangerous areas for walking and biking.

Lora Lehmann, resident, expressed concern about the townhome development and that “townhomes” were not added to the use matrix.

Solicitor Clarke clarified that the townhomes were allowed by a variance granted by the Zoning Hearing Board and the variance only applies to the one property.

Ms. Lehmann expressed concern about “spot zoning.”

President Hecker said the Board of Commissioners had no say in the variance and suggested that the resident express her concern to the Zoning Hearing Board.

ADJOURNMENT: 7:39 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinance and resolutions were adopted by the Board of Commissioners on August 8, 2024:

Ordinance No. 2216

Resolution No. 24-029

Resolution No. 24-031