

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, December 8, 2022, 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 ROTHMAN, DiPLACIDO, VAUGHN, THOMPSON, WINEGRAD, HENRY, ZAPPONE, CARSWELL, SPIEGELMAN, BOLE, SCHREIBER, BOWMAN, VAHEY, HECKER
Excused: Commissioner BRODSKY

Also Present: Township Manager MANFREDI
Township Solicitor CLARKE

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS:

President Hecker announced that an Executive Session was held to discuss a personnel matter on November 29, 2022.

PUBLIC COMMENT ON AGENDA ITEMS:

State Representative Nancy Guenst commented that regarding an RCO, in 2010 during her time as Mayor, Hatboro received RCAP funding to make improvements to the fire company facility, and at that time, the borough was only required to vet a bidder for documents, bonds, insurance and award contract to the lowest responsible bidder.

If the borough had an RCO, it would have ensured that the contractor had adequate financial resources, demonstrate ability to retain such resources and comply with required delivery performance schedule.

After the start of the project, it was discovered that the contractor was not qualified, did not have the financial resources to pay his subcontractors, and his bond was fraudulent. The contractor disappeared leaving the borough to pay the subcontractors, find the funding to pay lawyers to defend our case, and fix the project.

To-date, the project cost the borough over \$2 million dollars, and although the facility received a certificate of occupancy, there is still work to be done, and we have never been able to collect anything from the contractor. The borough has since adopted an RCO for its protection.

Kirby Coughlin-Toomey, 2102 Fortune Road, commented that adopting an RCO would be a sound investment. This Township clearly values education and safety for its residents, and the same should be true for the workers who build structures and infrastructure. Responsible contractors have workers who graduated from an apprenticeship program or are apprentices working towards that goal. Responsible contractors erect safety barriers and only hire U.S. citizens, and she wants to be sure that her tax dollars are being invested wisely. Although construction work is dangerous, we are trained, educated and safe, and if the Township is willing to pay its teachers and police officers for their higher education, the same should be true for construction workers, so please adopt an RCO.

Matt Toomey, 2102 Fortune Road, commented that he believes in responsible contracting because it is the right thing to do. We need to protect the work as well as the Township, and he asked the Board to consider passing an RCO.

Bill Rearden, 326 Roberts Avenue, commented that union construction is clearly the best option, but this ordinance is not the answer because it needs to be competitive.

Joe Rooney, Maple Avenue, commented that he is a 30-year union member, so he is not against unions; however, this is a “solution looking for a problem.” He is not in favor of this ordinance because it will drive up costs, limit the number of contractors who can bid on a job, and what problem does it address? He asked for it to be “tabled” or vote “no.”

Glen Cooper, Planning Commission member and resident, said he worked in public construction for over 30 years. He is not anti-union, but this RCO is written to exclude a lot of open shop contractors, which is discriminatory and will drive up cost of construction.

There are good and bad contractors, and this ordinance will do nothing to change that. Proposed RCO needs to be stopped and tabled immediately as it is harmful, and will be costly to the Township and taxpayers resulting in additional administrative work for Township staff without any benefit.

The worst part of the ordinance is that it greatly restricts who can bid on projects limiting the competition. Provision in the RCO that needs to be stricken is that “70% of the workforce needs to have completed an apprenticeship program or be enrolled in one,” and about one half to two-thirds of the workers would not meet that qualification. He asked for it to be tabled and further reviewed during open discussion with the public.

Patrick Hearst, 333 Tennis Avenue, commented that it is not exclusively a union thing, but it is for education and safety. Those with more education have the training to do the job right, and it is time to get it done.

Richard O'Brien, 2071 Keith Road, said he is a volunteer firefighter, and a few years ago, we were called to Davisville and Old York Roads where the new apartments were built because someone had fallen, and they fell because they were not properly trained and did not have personal protective equipment, so please vote "yes."

Lora Lehmann, resident, expressed concern about the amount of speaking time on the budget. Also, adequate safety rules need to be made for contractors, but not require an apprenticeship for 70% of them.

Manager Manfredi clarified that the budget has been posted on the Township's website since October remaining unchanged since the proposed preliminary budget, and it is physically available at the library, the Township building and the Records Office of the Police Department.

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 November 19, 2022.

To adopt Resolution No. 22-028 to adopt initiatives to be recognized as a Pennsylvania Audubon Council Bird Town Pennsylvania.

To release escrow #2 for the Abington Senior High School project.

To approve the escrow release request #3 for LD-16-06, 1235 Meinel Road Subdivision in the amount of \$132,957.28.

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

MOTION was ADOPTED 14-0.

UNFINISHED BUSINESS:

Item BOC-04-120822:

Vice President Vahey made a MOTION, seconded by Commissioner Schreiber to advertise Ordinance No. 2193 establishing procedures for Certification of Responsible Contractor requirements.

President Hecker asked for any comments from Commissioners.

Commissioner DiPlacido thanked Commissioner Schreiber for spearheading this ordinance, and after reading it in its entirety, he fully supports it.

Commissioner Schreiber said the proposed Responsible Contractor Ordinance was tabled several months ago to give the Board of Commissioners a chance to review it in detail and suggest changes in which some of those changes have been incorporated, so now we have a motion to advertise.

She has previously spoken in support of this ordinance even though we have received the same critiques regarding costing more money and that it is for union-only, which is simply not true.

She read into the record a letter written by Commissioner Roseanne Milazzo, who is a member of the Board of Commissioners of West Norriton Township regarding the passing of an RCO by their Township's Board of Commissioners and their experience, and hopefully it will help answer some questions and move our ordinance forward. (A copy of the letter will be part of the record).

Commissioner Zappone clarified that this is not the actual vote on the ordinance, but just a vote to advertise. Is that correct?

President Hecker replied that is correct.

Commissioner Bole said he is proud to live side-by-side and be best friends with a member of the elevator's union, two plumbers and a carpenter. He is in favor, if we, as part of our values, are willing to some extent pay more for labor if it means that we are upholding the values of supporting labor unions. He is happy to act on a means by which we support organized labor, safety, and getting jobs done on time. Nonetheless, he has concerns about the mechanics of the ordinance, and if we vote to advertise, he would like to use the month ahead to dive into some of the questions that have been asked.

He is sure that those who are in support want it to work, and if we are going to make it work, we need to consider cost escalations, and that we do not completely limit bidders, so we get qualified workers. Although he will vote to advertise the ordinance, it is not perfect or wonderful, but the intention is terrific, and he proudly supports those who are in favor with the caveat that we still need to get some answers.

Commissioner Carswell said there have been questions asked by her fellow Board members and they have not been answered yet. Also, the typo in proposed ordinance needs to be fixed, which under Section 3, the last sentence of Number 9 and 10 are identical.

She questioned the 70% provision and why it was changed from a Class A apprenticeship, and depending on how we define education, we will be defining the pool of those who could meet these standards, so we need to be sure that we are not limiting ourselves. She does not want to empower a specific population of vendors but empower the Township to have safe and educated workers and make sure that we do not have the problems as cited.

Commissioner Spiegelman said he understands the perspectives and opinions of Commissioners Carswell and Bole, and he is looking forward to making sure that the RCO that is ultimately passed to be as perfect as possible. He deeply supports the principal of an RCO as his spouse is part of a union, and he supports safety and security of aligning our values with the highest standards of labor unions, which is part of our essential due diligence as stewards of the Township. He looks forward to making sure that what is passed is as good as possible.

MOTION was ADOPTED 14-0.

NEW BUSINESS:

Item BOC-05-120822:

Vice President Vahey made a MOTION, seconded by Commissioner Spiegelman to adopt Ordinance 2201 Annual Budget of the Township of Abington for the Fiscal Year 2023 Tax Levy and Appropriation.

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

MOTION was ADOPTED 14-0.

Item BOC-06-120822:

Vice President Vahey made a MOTION, seconded by Commissioner Bole to adopt Resolution No. 22-029, a resolution of Abington Township, County of Montgomery, Commonwealth of Pennsylvania, to implement Act 57 of 2022.

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

MOTION was ADOPTED 14-0.

Item BOC-07-120822:

Vice President Vahey made a MOTION, seconded by Commissioner DiPlacido to approve the Honorable Discharge of Employee #3235 based upon no foreseeable return date for return to work.

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

MOTION was ADOPTED 14-0.

FINANCE COMMITTEE:

Receive Treasurer's Report:

Township Treasurer Jay W. Blumenthal reported that real estate taxes collected in November 2022 totaled \$37,617, YTD \$32,520,126, with 98% collected and 2% remaining. Monies received from various departments deposited into Republic Bank in November 2022 totaled \$3,025,229, YTD \$78,571,544.

Item FC-01-120822:

Commissioner Winegrad made a MOTION, seconded by Commissioner Spiegelman to approve the October 2022 expenditures in the amount of \$3,973,261.39 and salaries and wages in the amount of \$2,119,443.37, and authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of January 2023.

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

Item FC-02-120822:

Commissioner Winegrad made a MOTION, seconded by Vice President Vahey to authorize the budget transfers and supplemental appropriations for the Fiscal Year 2022.

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

MOTION was ADOPTED 14-0.

PENSION COMMITTEE:

Item PC-01-120822:

Commissioner Carswell made a MOTION, seconded by Vice President Vahey to adopt Resolution No. 22-030 setting the Police Pension contribution rate for 2023 at five percent (5%) of compensation.

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

MOTION was ADOPTED 14-0.

PUBLIC COMMENT:

Joe Rooney, resident, asked for an estimate on how much an RCO will cost, and would it have fixed any problems with projects that were done over the past 10 years?

Glen Cooper, resident, commented that there are several things in the RCO that are bad for the Township, and it will not provide better quality or help vet contractors. He encouraged setting up a public meeting with open-shop contractors who have worked on projects in the Township to discuss the good and bad of an RCO.

Ross Able, resident, Upton Avenue, thanked Commissioner Winegrad for meeting with him and some of the neighbors of the Fairway/Noble Train Station area regarding a park that was planned in the Noble TOD Plan, and that a park be a community benefit when working with developers for the Fairway area.

He asked for the Township's support implementing more of a walkable environment and traffic-calming efforts. Also, he would like the Master Bicycle Plan to be updated adding more protection for bicyclists in bike lanes/paths and add barriers to separate them for safety.

He would like to support construction of more sidewalks east of Jenkintown specifically in Rydal so we can get to the Fairway safely. He asked the Board of Commissioners to form a working group with Cheltenham Township and Jenkintown Borough in planning traffic calming measures across the districts such as Rt 611.

Also, he would like the Board to consider expanding the definition for accessory dwelling units to give homeowners some flexibility on who is permitted to live there.

Lora Lehmann, resident, expressed concern about the amount of speaking time on agenda items.

Dr. Ayanna Laney Martin, resident, suggested language for proposed RCO about minority participation in the contracting practices within the Township such as subcontracting requirements as well as language for percentage of minority spend requirements for Abington Township because this document does not have anything about that.

President Hecker replied we will follow up on it.

Remington Daron, resident, Highland Avenue, said that Abington is home to the busiest suburban station with SEPTA planning to increase frequency and reliability of its regional rail and buses, and the County needs to take its TOD plan seriously as well as its Master Bicycle Plan.

When he rides his bike, he is not obtuse to the fact that this is inconvenient to the drivers who are slowly driving behind him. Proper bike infrastructure can keep bicyclists safe as well as help traffic moving properly. Roads were designed for cars of years past and now cars are faster, bigger, and louder, and you cannot reasonably expect kids, elderly, or able-bodied adults to be safe when forced to share the road with these cars, and better infrastructure is good for everyone inside or outside a car.

Old York Road is very busy, and Jenkintown is lacerated by this highway separating the town in half. The current state of Rt. 611 in Abington is unacceptable. This road could be turned into one lane each way with bike lanes and parking to fill in the newfound area, so that walking across the street or even down the sidewalk would no longer be intimidating. This is possible because it is occurring in Philadelphia between Cheltenham and Broad Street, so why can't this be done here?

ADJOURNMENT: 8:06 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following ordinance and resolutions were adopted by the Board of Commissioners on December 8, 2022:

Ordinance No. 2201

Resolution No. 22-028

Resolution No. 22-029

Resolution No. 22-030