

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, November 9, 2017 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:32 p.m.

ROLL CALL: Present: Commissioners ZAPPONE, SPIEGELMAN, SANCHEZ, ROTHMAN, MYERS, SCHREIBER, BOWMAN, DiPLACIDO, FARREN, GILLESPIE, HECKER, KALINOSKI, KLINE, LUKER

Township Manager/Secretary MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE

PLEDGE OF ALLEGIANCE

PRESENTATION:

Presentation of Commendation to Eagle Scout Austin Todd Groeber:

Commissioner Gillespie presented Certificate of Commendation to Eagle Scout Austin Todd Groeber of Troop 48 on behalf of a proud community saluting Austin on obtaining the Eagle Scout rank of the Boy Scouts of America. In achieving this honor, he earned assorted merit badges, which attest to his leadership qualities and his contribution to our community. Austin's completed project resulted in leading a crew of scouts and parents in planting native trees and shrubs along previously polluted and overgrown waterway in Grove Park in Roslyn. The newly planted area will provide habitat for birds and small native animals and will keep invasive and noxious species from repopulating the area that will benefit the community for many years.

On behalf of the Board of Commissioners of the Township of Abington along with the Boy Scout Troop 48 and Austin's family and friends in extending their congratulations on this milestone on this 9th day of November, 2017.

PRESIDENT'S ANNOUNCEMENT:

President Luker announced that the Township is accepting letters of interest to serve on the various boards, commissions and committees of the Township for calendar year 2018. Anyone who has interest or questions should contact the office of the Township Manager.

APPROVAL OF MINUTES:

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve the minutes of the Board of Commissioners Meeting of October 12, 2017.

MOTION was ADOPTED 15-0.

PUBLIC COMMENT-AGENDA ITEMS ONLY:

Lora Lehmann, 1431 Bryant Lane, commented that she was opposed to waiving permit fees for the School District and Roslyn VFW. She was also opposed to the request for text amendment by Hightop Real Estate Group.

PUBLIC SAFETY COMMITTEE:

Chief Livingood explained that Items PS-01, PS-02 and PS-03 as listed on the agenda represent the next step in the Police Department's succession plan. The first two items are extremely important as they establish top leadership in the department's future.

Deputy Chief Pat Molloy is extremely well-qualified to be the next Chief of Police in Abington. He has served as his Deputy Chief for a number of years and is the Commanding Officer of the Patrol Division, which is the largest and most complex division in the department. Pat has a Bachelors and Master Degrees from St. Joseph's University and is a graduate of the FBI National Academy. He is skilled and highly capable police executive with excellent police personal communication skills. He is also an extremely passionate person and who is someone everyone turns to when they need special help. Pat is well-respected by the officers, staff and dedicated volunteers as well as members of the community. Deputy Chief Patrick Molloy is completely capable and qualified to be Abington's next Chief of Police.

Manager Manfredi added that it is fortunate, for the succession plan that this Board of Commissioners authorized and that this police department put forth, the selection of Pat Molloy as the next Chief of Police, which was a very good decision.

Affirm the Promotion of Deputy Chief Patrick Molloy as Chief of Police

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to affirm the promotion of Deputy Chief Patrick Molloy as the Chief of Police effective February 1, 2018 or whenever current Chief John A. Livingood retires, whichever is sooner.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Chief Livingood said the Deputy Chief's position of Abington Township's Police Department is an appointed position, appointed by the Chief of Police. Tonight, we officially appoint Lieutenant Kelley Warner as our next Deputy Chief of Police. Kelley's appointment now will ease the transition when he retires and Patrick Molloy becomes Chief of Police in which he and Pat Molloy wholeheartedly agree on this appointment.

Kelley has both a Bachelors and Masters Degrees from West Chester University and is a graduate of Northwestern University School of Police Staff and Command as well as several other police management and leadership courses. Kelley Warner joined our department as a Patrol Officer in January 1989.

In 1996, she was appointed as Juvenile Detective and among other achievements helped Abington to create the first Youth Aid Panel. Kelley was promoted to Sergeant in 2000 and reassigned to the Patrol Division. She was promoted to Lieutenant in August 2013 and assumed command of a Patrol Platoon. In her spare time, she served as an Accreditation Manager overseeing the department's fourth Pennsylvania Law Enforcement Re-Accreditation Commission (PLEAC). Lieutenant Warner continued in her role as Accreditation Manager for the department's international re-accreditation from Commission on Accreditation Law Enforcement Agencies (CALEA) after she was transferred to and became Commanding Officer of the Community Policing Division.

Kelley has led the Community Division to new heights and has helped lead us into the social media stage of communicating with our community and our department. One of her major achievements was overseeing and developing the Abington HUD, which is a new innovative way to utilize private, County and local resources until police solve nontraditional police problems that have become a model for the entire region.

Newly promoted Chief Pat Molloy commented that Kelley Warner was the first and only female SWAT Officer in Abington Township's history paving the way for another female officer, who is competing for that position at this time. Back in 1996, former Chief Kelly came up with a new position called, "Juvenile Aid Detective" forming relationships with the School District paving the way for our current SRO (School Resource Officer) program. Kelley's position as President of the Mid-Atlantic Women in Law Enforcement shows her commitment to the profession especially women in this profession. Also, she is committed to the Unity Bike Tour to raise awareness of officers killed in the line of duty and to raise funds for Police Memorials.

Chief Livingood and newly promoted Chief Patrick Molloy affirmed and promoted Lieutenant Kelley Warner as Deputy Chief of Police of Abington Township Police Department before the Board of Commissioners of the Township of Abington on this 9th day of November, 2017.

Promotion of Officer Joseph Blei to the Rank of Sergeant

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to appoint and approve the promotion of Officer Joseph Blei to Police Sergeant effective November 13, 2017.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Bids for Police Equipment and Uniforms

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to award the contract for furnishing Police Equipment to American Uniform Sales, Inc. and to award the contract for furnishing Police Uniforms to Red the Uniform Tailor.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE:

Commissioner Sanchez noted that Items CE-01-110117 and CE-02-110117 refer to Item CE-05-110917 as listed on the agenda.

Request for Consideration of a Text Amendment by Hightop Real Estate Group

Commissioner Sanchez noted that this item was passed out of committee on a motion to advertise for a hearing; however, there are items still in need of review by the Township's Planning Commission and the MCPC.

Manager Manfredi added that the text amendment and other information needs to be vetted further, so the recommendation is to table any further action until it has been properly reviewed.

Commissioner Sanchez made a MOTION, seconded by Commissioner Brodsky to TABLE consideration of the request of the Board of Commissioners of the Township of Abington to hold a public hearing to discuss whether or not to consider a zoning text amendment filed by Hightop Real Estate & Development Group to amend Article X MS-H Main Street High Intensity/Density District to add Old York Road Revitalization Modifications for Apartment Building Use.

Commissioner Luker asked for any other comments from Commissioners or staff.

Commissioner Hecker commented that the Board still does not have the information on the other properties that would be impacted by the mechanism being proposed by the developer. Since this will impact more than just his ward, it is prudent to have this information, so if the Board chooses to move forward, it will be done with the full consideration of potential impact of properties in the respective wards. He is in favor of this matter receiving a fair review, but in order for that to be done, further information needs to be reviewed in which we do not have yet, so he is in support of the approach being recommended this evening.

MOTION was ADOPTED 15-0.

Ordinance No. 2147 Zoning Text Amendment by Philadelphia Presbytery Homes

Commissioner Sanchez made a MOTION, seconded by Commissioner Kalinoski to schedule and to advertise a formal hearing of the Board of Commissioners of the Township of Abington on Thursday, December 14, 2017 for the zoning text amendment known as Proposed Ordinance No. 2147 filed Philadelphia Presbytery Homes for the proposed development of the Rydal Waters Property, amending the Zoning Ordinance of the Township of Abington, Relating to Provisions of the SNR Senior Neighborhood Residential, Riparian Corridor, Steep Slope and Open Space Districts.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Roslyn VFW/Abington School District Fee Waiver Requests and the Establishment of a Policy on Fees and Waiver of Fees

Commissioner Sanchez made a MOTION, seconded by Commissioner Kline to consider establishing criteria for fee waiver requests and to allow the Roslyn VW to proceed with and receive their building permit, conditioned upon their understanding the request for fee waiver will be decided at a later date, and they may have to pay all fees, and further, that the Abington School District may proceed with their professional review while the Land Development process continues with the fee waiver request being considered at a later date.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Myers asked has the Roslyn VFW been advised of this.

Mark Penecale, Planning & Zoning Officer, replied yes. The permit is conditioned that the fee is under consideration for a waiver.

Commissioner Myers clarified that criteria established will not just be for the Roslyn VFW; it will be for other nonprofits. Is that correct?

Manager Manfredi replied yes, for all nonprofits.

Commissioner Farren said regarding established criteria for waiver requests; is it strictly for institutional fee waiver requests or will it be a broad policy where residents can make application for waiver of fees.

Manager Manfredi replied it is for entities and organizations; not individuals; however, that is not to say that if someone wanted to make that request, they could. Criteria is being established so that the Board can limit as much as possible any arbitrary decisions as to what fees should be waived

Commissioner Myers said due to Commissioner Kalinoski's association with the VFW and her husband's association with the VFW; should we recuse ourselves from voting on this item as we do not want any kind of conflict of interest.

Solicitor Clarke replied this vote will not result in any direct financial benefit to either Commissioner Myers or Commissioner Kalinoski; therefore there is no need to abstain on this vote.

Commissioner Kalinoski clarified that he is manager of the North Penn VFW, and the concern of the manager of the Roslyn VFW is what happens when their project is completed and they cannot afford the fees because at some point fees will need to be charged.

Manager Manfredi replied normally for something of this nature, the applicant will proceed at their own risk, but he does not see criteria being established that would prohibit the Board from granting this waiver.

Commissioner Hecker commented that he is disinclined to be supportive of the waiver of fees, but the process proposed for criteria for our review makes sense.

Commissioner Bowman commented that we will decide the overall program for all nonprofits, and if the Roslyn VFW fits that criteria, then they will get the waiver as all others would in the future. Is that correct?

Manager Manfredi replied that is correct.

MOTION was ADOPTED 15-0.

Commissioner Schreiber was excused from the meeting at 8:18 p.m. due to an emergency.

PUBLIC WORKS COMMITTEE:

Grit Collection System for W.W.T.P. – Contract #150

Commissioner Hecker made a MOTION, seconded by Commissioner Farren to approve the final payment for Contract No. 150, Grit Collection System for WWTP, to Derstine Company, LLC in the amount of \$23,350.00.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 14-0.

Final Payment for 1000 Block Edge Hill Road Curb and Sidewalk Project

Commissioner Hecker made a MOTION, seconded by Commissioner Spiegelman to final payment to Associated Paving Contractors, Inc. (APCON) in the amount of \$3,741.51 for the 2016/2017 HUD Program 1000 Block Edge Hill Road Curb and Sidewalk Project. A one-year maintenance bond was received.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 14-0.

2014 Capital Improvement Program-Phase II

Commissioner Hecker made a MOTION, seconded by Commissioner Farren to approve final payment to Almeida & Hudak Contractors, LLC in the amount of \$0 for the 2014 Capital Improvement Program-Phase II. A one-year maintenance bond was received.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Hecker asked for the reason why a motion needs to be made for no payment.

Commissioner Kline replied it is to close the contract out.

MOTION was ADOPTED 14-0.

Old Welsh Road Sanitary Sewer Project Final Payment of \$4,800.00 to N. Abbonizzio Contractors

Commissioner Hecker made a MOTION, seconded by Commissioner Farren to approve final payment to N. Abbonizzio Contractors in the amount of \$4,800.00 for Contract No. 149 Sanitary Sewer Project. A one-year maintenance bond was received.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 14-0.

PUBLIC AFFAIRS COMMITTEE:

Disposition/Destruction of Abington Township Police Department Records

Commissioner Spiegelman made a MOTION, seconded by Commissioner Kalinoski to authorize the disposal/destruction of Accident, Utility, Offense reports, copies of traffic citations and completed/closed summary arrest reports from 2004 through 2010. Completed/Closed case folders, excluding major crime cases, through 1995. Police employee overtime cards, detail invoices, K9 sheets, payroll/deposit forms through 2011.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 14-0.

Authorization to Execute the Cooperation Agreement between Abington Township and the Redevelopment Authority of the County of Montgomery

Commissioner Spiegelman made a MOTION, seconded by Commissioner Kalinoski to adopt Resolution No. 17-029 of the Township of Abington, County of Montgomery, Commonwealth of Pennsylvania, authorizing the President of the Board of Commissioners and the Township Secretary to execute a Cooperation Agreement with the Redevelopment Authority of the County of Montgomery.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Sanchez disclosed that he is on the Board of Jefferson Hospital and he does not receive any direct pecuniary benefit as result of it or anything at all from the hospital.

Commissioner Spiegelman noted that this cooperation agreement relates to a RACP grant for the hospital.

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
RESOLUTION NO. 17-029**

**A RESOLUTION OF THE TOWNSHIP OF ABINGTON,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE PRESIDENT OF THE BOARD OF COMMISSIONERS AND THE
TOWNSHIP SECRETARY TO EXECUTE A COOPERATION AGREEMENT WITH THE
REDEVELOPMENT AUTHORITY OF THE COUNTY OF MONTGOMERY**

WHEREAS, Abington Memorial Hospital (“Hospital”) has entered into a Sub-grant Agreement with The Redevelopment Authority of the County of Montgomery (“Authority”), dated August 16, 2017, attached hereto as Exhibit “A,” pursuant to which the Authority has agreed to facilitate an application for a grant (“Grant”) in the amount of one million dollars pursuant to the Redevelopment Assistance Capital Program (“Program”) administered by the Commonwealth of Pennsylvania Office of the Budget (“OB”) for a project known as the Enhancing the Patient Experience at Abington Hospital Project (“Project”); and

WHEREAS, the Authority has entered into a contract (“Contract”) with the Commonwealth setting forth the terms, requirements, obligations and conditions in connection with the use of the funds to be awarded in connection with the Project (“Grant Funds”); and

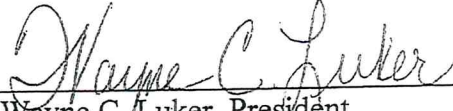
WHEREAS, the Township of Abington (“Township”) has agreed to serve as the host municipality for the Project and, as required by OB and the Program, to act as guarantor of certain contingent repayment obligations of the Authority pursuant to the Contract; and

WHEREAS, the Board of Commissioners is now required to enter into a Cooperation Agreement with the Authority to memorialize the Township’s guarantee of repayment of the Grant Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Abington, Montgomery County, Pennsylvania, that the President of the Board of Commissioners and the Township Secretary are hereby authorized to execute the Cooperation Agreement attached hereto as Exhibit “B.”

RESOLVED and ADOPTED this 9th day of November, 2017.

TOWNSHIP OF ABINGTON



Wayne C. Luker, President
Board of Commissioners

ATTEST:



Richard J. Manfredi, Secretary

COOPERATION AGREEMENT BETWEEN
ABINGTON TOWNSHIP
AND
THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF MONTGOMERY

THIS COOPERATION AGREEMENT, made the 9th day of November, 2017, between Abington Township (hereinafter the "Township") and the REDEVELOPMENT AUTHORITY OF THE COUNTY OF MONTGOMERY (hereinafter the "Authority".)

WHEREAS, the Authority is an independent agency created by the County of Montgomery (the "County") existing to carry out the public purposes of the Pennsylvania Urban Redevelopment Law, Act of Assembly of May 24, 1945, P.L. 991, 35 P.S. Section 1701 *et seq.*, as amended, and the Authority was established for the purpose, among other things, of encouraging the provisions of economic revitalization and decent living environments for persons of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the Township is a municipal corporation located in Montgomery County and has agreed to serve as the host municipality for the Enhancing the Patient Experience at Abington Memorial Hospital Project; and

WHEREAS, Abington Memorial Hospital (the "Developer") is located at 1200 York Road, Abington, Pennsylvania; and

WHEREAS, the Enhancing the Patient Experience at Abington Memorial Hospital Project (the "Project") is located at 1200 York Road, Abington Township (the "Property"); and

WHEREAS, in furtherance of its purpose, the Authority has, together with the Developer, submitted an application (the "Application", Exhibit A hereto) to the Commonwealth's Office of the Budget to receive a one million dollar grant (the "Grant Funds") through the Commonwealth's Redevelopment Assistance Capital Program (the "Program") to fund the renovations of the Abington Hospital Enhancing the Patient Experience Project (as more fully defined in the Application); and

WHEREAS, the Authority has entered into a contract (the "Contract", Exhibit B hereto) with the Commonwealth setting forth the terms, requirements and obligations and conditions in connection with the use of any Grant Funds awarded to the Authority by the Commonwealth under the Program; and

WHEREAS, pursuant to the terms and conditions of a Sub-grant Agreement dated, August 16, 2017 entered into by and between the Authority and the Developer, the Developer has agreed to comply with the terms of the Sub-grant Agreement attached hereto as Exhibit C; and

WHEREAS, in accordance with the Program requirements, the host municipality for the project must act as guarantor of certain contingent repayment obligations of the Authority under the Contract pursuant to the terms and conditions of this Agreement, and the Township is willing to do so in recognition of the benefits that inure to the Township and its residents as a result of the Project.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

1. The Authority shall administer the Grant Funds in accordance with the terms and conditions set forth in the Contract and ensure that the Township shall receive a copy of each request for reimbursement for paid, eligible Project expenses submitted to the Commonwealth.

2. The Township agrees to absolutely, unconditionally and irrevocably guarantee to the Commonwealth, subject to any time period set forth in the Contract as applicable to the Authority and further subject to any rights and defenses applicable to the obligations of the Authority, the prompt and full repayment of all Grant Funds released by the Commonwealth to the Authority which the Authority is obligated to reimburse to the Commonwealth pursuant to the terms and conditions of the Contract (“Guaranty of Obligations”).

3. The Township agrees to take all actions necessary in connection with the Guaranty of Obligations set forth in Paragraph 2 above, including the adoption of a Resolution by the Board of Commissioners of the Township authorizing the execution of this Agreement.

4. This Agreement shall commence upon full execution by the parties hereto and shall terminate upon the earlier to occur of (a) disbursement of all Grant Funds and the issuance by the Commonwealth of the close out certificate, and (b) termination of the Contract pursuant to the terms and conditions thereof, and full repayment to the Commonwealth of all Grant Funds released by the Commonwealth to the Authority which the Authority is obligated to reimburse to the Commonwealth pursuant to the terms and conditions of the Contract (the “Termination Date”).

5. Upon the Termination Date, the parties hereto shall have no further liabilities, obligations or responsibilities to each other under this Agreement.

6. There shall be no additional amendments to this Agreement without the written consent of the parties.

7. This Agreement shall be binding upon the parties hereto, their heirs, successors, administrators and assigns and shall not be assigned to another party without written consent of each party hereto.

8. This Agreement shall be construed and interpreted under the laws of the Commonwealth of Pennsylvania.

[signatures appear on following page]

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have executed this Agreement the day and year first above written.

**BOARD OF COMMISSIONERS OF
ABINGTON TOWNSHIP**

BY: Wayne C. Luker
Wayne C. Luker, President

ATTEST: Richard J. Manfredi (SEAL)
Richard J. Manfredi, Secretary

**REDEVELOPMENT AUTHORITY OF THE
COUNTY OF MONTGOMERY**

BY: _____
Jonathan Spergel, Chairman

ATTEST: _____ (SEAL)
Michael J. Becker, Secretary

Acquisition of 1100-1102 Old York Road (TABLE)

Commissioner Spiegelman made a MOTION, seconded by Commissioner Kalinoski to TABLE discussion of acquisition of 1100-1102 Old York Road pending status of agreement of sale.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Spiegelman said in committee, the original motion was in regards to condemnation of these properties; however, an agreement has been reached with property owner to sell these properties. This matter will come before the Public Affairs Committee and full Board next month.

MOTION was ADOPTED 14-0.

Resolution No. 2017-028

Commissioner Spiegelman made a MOTION, seconded by Commissioner Zappone to authorize condemnation of portions of certain real estate property located at or near state route 2034 (Edge Hill Road), Section MGI, and/or state route 2036 (Tyson Avenue), Section MGI, as more particularly described below, for the acquisition of temporary construction easements for the purpose of roadway and other public improvements for the Edge Hill Road and Tyson Avenue reconstruction project, federal project number X064193-L240, Pennsylvania Department of Transportation Project MSMP57865.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 14-0.

RESOLUTION 2017- 028

**RESOLUTION OF THE TOWNSHIP OF ABINGTON
AUTHORIZING THE CONDEMNATION OF PORTIONS OF CERTAIN REAL
PROPERTY LOCATED AT OR NEAR STATE ROUTE 2034 (EDGE HILL ROAD),
SECTION MG1, AND/OR STATE ROUTE 2036 (TYSON AVENUE), SECTION MG1,
AS MORE PARTICULARLY DESCRIBED BELOW, FOR THE ACQUISITION OF
TEMPORARY CONSTRUCTION EASEMENTS FOR THE PURPOSE OF ROADWAY
AND OTHER PUBLIC IMPROVEMENTS FOR THE EDGE HILL ROAD AND
TYSON AVENUE RECONSTRUCTION PROJECT, FEDERAL PROJECT NUMBER
X064193-L240, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
PROJECT MSMP 57865**

WHEREAS, the Township of Abington, Montgomery County, Pennsylvania, is a township of the first class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania (the “Township”); and

WHEREAS, the Township, in the exercise of its lawful powers, intends to make certain roadway and other public improvements at or near State Route 2034 (Edge Hill Road), Section MG1, and/or State Route 2036 (Tyson Avenue), Section MG1, for the Edge Hill Road and Tyson Avenue Reconstruction Project, Federal Project Number X064193-L240, Pennsylvania Department of Transportation Project MSMP 57865 (the “Project”); and

WHEREAS, it is necessary for the Township to obtain permanent rights-of-way, permanent drainage easements, other permanent easements and temporary construction easements (collectively, “Rights-of-Way”) from, across, and under certain real property not owned by the Township which is located along or near State Route 2034 (Edge Hill Road), Section MG1, and/or State Route 2036 (Tyson Avenue), Section MG1, for the construction of the intended roadway and other public improvements for the Project; and

WHEREAS, the Township has successfully obtained many of the Rights-of-Way for the Project through the negotiation process and by agreement with property owners; and

WHEREAS, the Township, in order to avoid exercising the power of eminent domain, has attempted to negotiate the acquisition of certain temporary construction easements from the following individual property owners (the “Property Owners”) with property located in Abington Township, Montgomery County, Pennsylvania: Edward J. McCauley (Tax Map Parcel No. 30-00-16336-00-5); Harry M. Clegg, Widower (Tax Map Parcel No. 30-00-15432-00-9); Ivan F. Avila-Garcia and Loyda M. Garcia-Cordero (Tax Map Parcel No. 30-00-68796-00-6); John L. Anderson (Tax Map Parcel No. 30-00-69356-00-4); Robert A. White (Tax Map Parcel No. 30-00-68540-00-1); and Timothy McCauley and Gwen Murphy McCauley (Tax Map Parcel No. 30-00-16340-00-1) (collectively, the “Real Property”); and

WHEREAS, the Property Owners have been non-responsive to the negotiation process with the Township and, as a result, the Township cannot acquire the temporary construction easements by agreement from the Property Owners; and

WHEREAS, it is necessary for the Township to condemn the Real property, which is not owned by the Township, to complete the construction of the roadway and other public improvements for the Project; and

WHEREAS, the Township is authorized by law to exercise the power of eminent domain; and

WHEREAS, in furtherance of the Township’s commitment to complete the construction of the roadway and other public improvements for the Project, the Township hereby condemns the Real Property for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED that, the Township hereby **SELECTS, APPROPRIATES AND CONDEMNS** certain temporary construction easements through, across and over the Real Property not owned by the Township, as set forth below:

1. Temporary construction easement consisting of 729 square feet, more or less, from property owned by Edward J. McCauley, and identified as Montgomery County Tax Map Parcel No. 30-00-16336-00-5, as shown on Exhibit "A" attached hereto and incorporated herein by reference;
2. Temporary construction easement consisting of 748 square feet, more or less, from property owned by Harry M. Clegg, Widower, and identified as Montgomery County Tax Map Parcel No. 30-00-15432-00-9, as shown on Exhibit "B" attached hereto and incorporated herein by reference;
3. Temporary construction easement consisting of 1,300 square feet, more or less, from property owned by Ivan F. Avila-Garcia and Loyda M. Garcia-Cordero, and identified as Montgomery County Tax Map Parcel No. 30-00-68796-00-6, as shown on Exhibit "C" attached hereto and incorporated herein by reference;
4. Temporary construction easement consisting of 185 square feet, more or less, from property owned by John L. Anderson, and identified as Montgomery County Tax Map Parcel No. 30-00-69356-00-4, as shown on Exhibit "D" attached hereto and incorporated herein by reference;
5. Temporary construction easement consisting of 87 square feet, more or less, from property owned by Robert A. White, and identified as Montgomery County Tax Map Parcel No. 30-00-68540-00-1, as shown on Exhibit "E" attached hereto and incorporated herein by reference; and
6. Temporary construction easement consisting of 350 square feet, more or less, from property owned by Timothy J. McCauley and Gwen Murphy McCauley, and

identified as Montgomery County Tax Map Parcel No. 30-00-16340-00-1, as shown on Exhibit "F" attached hereto and incorporated herein by reference.

Legal descriptions of and copies of the plans for the temporary construction easements required by the Township across each of the affected properties are available for inspection at the Township's offices.

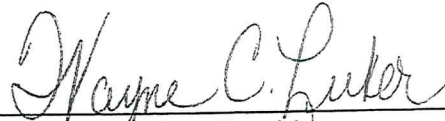
FURTHER RESOLVED, that the proper officers of the Township, along with the Solicitor of the Township, are authorized and directed to take all steps necessary to carry out the purposes of this Resolution including, but not limited to, the completion and mailing of Pennsylvania Department of Transportation Forms LPS-34 (Notice of Condemnation to Claimant) and LPS-35 (Memorandum of Law—Your Rights as a Condemnee Under the Eminent Domain Code) to the Property Owners; the completion, mailing, filing or other disposition of any other requisite Pennsylvania Department of Transportation Forms; the satisfaction of any other requirements of the Pennsylvania Department of Transportation for the Project, and the satisfaction of the requirements of the Pennsylvania Eminent Domain Code, 26 Pa.C.S.A. § 101, *et seq.*; and

FURTHER RESOLVED, that all costs of these proceedings and the damages to be paid to the condemnees shall be paid from the revenues of the Township; and

FURTHER RESOLVED, this Resolution shall be effective immediately upon its adoption.

ADOPTED at a regular meeting of the Board of Commissioners of the Township of Abington this 9th day of November, 2017.

TOWNSHIP OF ABINGTON



Wayne C. Luker, President
Board of Commissioners

ATTEST:



Richard J. Manfredi, Secretary

Commissioner DiPlacido was excused from the meeting at 8:25 p.m.

FINANCE COMMITTEE:

Treasurer's Report:

Commissioner Kline noted that the Treasurer's report is available upon request through the Township Manager's Office.

Expenditures/Salaries and Wages

Motion to:

- (A) Approve the September expenditures as previously circulated to the Board, in the amount of \$3,001,801.69 and salaries and wages in the amount of \$2,775,065.17.
- (B) Authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of December 2017.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

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

Training and Conference Expenses

Commissioner Kline made a MOTION, seconded by Commissioner Farren to approve the Advance and Travel Expense activity for September 2017 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$2,377.81, respectively.

Nine-month expenses totaled \$22,829.93.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 13-0.

Clearing Fund/Deferred Revenue and Expense/Petty Cash

Commissioner Kline made a MOTION, seconded by Commissioner Farren to approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of September as previously circulated to the Board.

Clearing fund receipts and disbursements for the month of September 2017 were \$894.34 and (\$217.68), respectively.

Deferred Revenue/Expense receipts and disbursements for the month of September 2017 were \$391,085.05 and (\$423,586.76), respectively.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 13-0.

Expenditure from Unallocated Permanent Improvement Fund Balance (LOSAP)

Commissioner Kline made a MOTION, seconded by Commissioner Farren to authorize an expenditure from Unallocated Permanent Improvement Fund Balance (account #07-00-000-5999) in the amount of \$45,855.00 (2017 allotment) to be distributed equally (\$9,171.00 each) among the five volunteer fire companies serving Abington Township.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 13-0.

Distribution of In-Lieu Fire Taxes for 2017

Commissioner Kline made a MOTION, seconded by Commissioner Spiegelman to authorize an expenditure from Miscellaneous Expense in the Permanent Improvement Fund (account #07-00-000-5999) in the amount of \$77,341.00 to be distributed equally among the five volunteer fire companies serving Abington Township (\$15,468.20 each company).

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 13-0.

PUBLIC COMMENTS – NON-AGENDA ITEMS:

Lora Lehmann, 1431 Bryant Lane, commented that she was opposed to waivers.

Dennis O'Brian, 1632 Edge Hill Road, commented that he is heartbroken about the death of Terrance Taylor who died in Montgomery County Correctional Facility. Terrence was a sweet person and deserved more, and he feels we need to begin talking and focusing on those who are struggling in our community.

Michael Curtis, Sr., 1137 Tyson Avenue, said this coming Saturday is Veteran's Day, and he asked for a Moment of Silence to be held to honor the Veterans who gave their lives for this country.

A MOMENT OF SILENCE WAS HELD TO HONOR THE VETERANS

Manager Manfredi clarified that Commissioners Myers and Kalinoski along with the full Board authorized the establishment of a policy for the future. There was no vote on any waiver, so there was no conflict of interest.

Commissioner Myers said when she spoke about Victims Services in response to Ms. Lehmann at no point did Ms. Lehmann indicate a specific victim. Ms. Lehmann generalized and so did she.

REMARKS OF COMMISSIONERS:

Commissioner Bowman announced that on Veterans Day there will be a lowering of the flag ceremony in Roslyn Park at 4:15 p.m.

Commissioner Farren commented that he noticed that some of our food pantries were running low, so he, along with some residents of Ward 12, threw something together very quickly, and in a matter of six days, we collected over 550 lbs. of food that was donated to two different food pantries, and he thanked everyone involved. Also, "Coffee with a Cop" event will be held this Saturday, at Daryl's Pastries, located at 102 North Keswick Avenue, from 9-11 a.m.

Commissioner Gillespie congratulated newly promoted Chief of Police Pat Molloy and Deputy Chief Kelley Warner on their new positions. Also, she wished everyone a "Happy Thanksgiving."

Commissioner Hecker congratulated Chief Pat Molloy and Deputy Chief Kelley Warner on their new positions. Also, he is glad to see the Edge Hill Road Bridge is up and running again. On Saturday, November 18th from 9-2 p.m. the Township will be having its electronics recycling event, "Anything with a Plug."

Commissioner Kalinoski congratulated the Police Department as it is heading in the right direction as always. Veterans Day is Saturday, November 11th and he is honored to be a manager at the North Penn VFW and we will be honoring Chief Livingood this year. Please come out on 11/11/17 at 11 a.m. We are also honoring his friend Jim Maguire, who passed away this year from complications of being in Vietnam.

Vice President Kline announced that on Wednesday, November 15th at 4 p.m. at the Elmwood Park Zoo, the Montgomery County Planning Commission will hold its Montgomery Awards and he invited the full Board and all staff members to join him as Abington's Environmental Advisory Council will receive the Planning & Advocacy Award for Montgomery County in their efforts to get the Township classified as a Three Star Community due to the great work of Jen Sherwood and the entire EAC especially Cakky Evans.

Commissioner Zappone announced that the Ardsley Community Association will be holding its 6th Annual Christmas Tree Lighting Ceremony on Saturday, December 2nd at 6 p.m., at the Ardsley Community Center and this event is open to all Township residents. Also, as a reminder to his residents, the Edge Hill/Tyson update meeting will be held on Tuesday, November 14th at 7 p.m. at the North Penn VFW and not the Ardsley Community Center.

Commissioner Spiegelman congratulated Sergeant Blei and Chief designate Pat Molloy and Deputy Chief Kelley Warner. They have handled the most complicated and difficult issues in his ward with professionalism, experience and insight. There are no two better stewards of the future of our outstanding police department. He asked for any campaign signs to be removed, and signs, through the Montgomery County Sign Recycling Program, can be taken to the Township's Highway Yard on Florey Lane during business hours. He thanked Mr. Curtis for his statement about the Veterans and thanked all Veterans for their service as well as President Luker. He wished everyone a "Happy Thanksgiving."

Commissioner Sanchez echoed congratulations to the Police Command Staff as well as Sergeant Blei. He attended a ribbon cutting ceremony for Penn Community Bank and they gave a giant "Thank You" card to the Township for our kind welcome and for bringing community banking back into this community. Also, it is time for the Annual Thanksgiving Turkey Drive on November 19th from 1-5 p.m. at Rydal Park, and he, along with Commissioner Spiegelman and many others, will be collecting turkeys and any other nonperishable foods that will be donated to the food bank

Commissioner Rothman announced that this coming Saturday from 9-1 p.m. at Ethel Jordan Park in Ward 3 will be a rain garden planting. He thanked the volunteers of the McKinley Fire Company and Abington Police Department for their help with the McKinley Fire Company Parade as it was a great event. He echoed sentiments and congratulated the individual police officers who were promoted as it was well-deserved. He also thanked the Veterans.

Commissioner Myers commented that this past Sunday she had the opportunity to attend services at Salem Baptist Church in Jenkintown. Next month, we will be welcoming Salem Baptist Church to the St. John's property in Ward 8 and it is exciting to have them join our Abington Township family. Also, Terrence Taylor was one of our PAL kids for a time and PAL will reach out to his family to see if we can help.

Commissioner Brodsky thanked and congratulated those from the police department who received promotions and who serve our community. He also thanked the Veterans for their service as well as to those who currently serve and honor our country.

President Luker thanked Mr. Curtis for his acknowledgment that Veteran's Day is this coming Saturday. He thanked Commissioner Kalinoski and to all of the Commissioners who are hosting events in honor of the Veterans and he applauded their commitment and dedication to Veterans.

Also, he gave credit and congratulated the Township's Finance Department, Finance Director Kevin Barron and Assistant Finance Director Jeannette Hermann and staff as they received once again Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association presented to the Township of Abington, Pennsylvania for its comprehensive annual financial report of fiscal year ending December 31, 2016.

Finance Director Kevin Barron said this is the 14th consecutive year that the Finance Department received the CAFR award. The financial statements and 10-year history shows the entire picture of the Township's finances and economic sites.

President Luker said that is quite an accomplishment and thanked Mr. Barron and his staff on behalf of the Board of Commissioners of the Township of Abington.

ADJOURNMENT: 8:50 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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Approved
12/14/17

