

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, December 14, 2017 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:30 p.m.

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

Township Manager/Secretary MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Tax Collector BLUMENTHAL

PLEDGE OF ALLEGIANCE

SWEARING IN

Swearing in of Officer Joseph Blei to the Rank of Sergeant by the Honorable Judge Juanita Price

Chief Livingood said tonight, newly promoted Joseph Blei will be sworn in as Sergeant of the Abington Township Police Department as this is part of our succession planning, and Joe is well-deserving of this promotion. Joe resides in Willow Grove and is a Veteran of the Marine Corp serving four years in the infantry. He was deployed twice to Iraq serving as a team leader and squad leader and awarded the Purple Heart and the Navy and Marine Corp Achievement Medal. Joe has been with the police department for seven years as a member of the Patrol Division; the Tactical Unit; D.A.R.E. Instructor; Field Training Officer; Firearms Instructor, and in his spare time, he serves as President of Abington Township Police Association. Joe graduated from University of Pennsylvania in May 2017 with Bachelor of Arts and Science Cum Laude.

Honorable Judge Juanita Price administered the Oath of Office to Sergeant Joseph Blei of the Abington Township Police Department before the Board of Commissioners of the Township of Abington on this 14th day of December 2017.

Girl Scout Presentations:

Commissioner Farren said two girl scouts did some great work at Briar Bush Nature Center. He presented Certificate of Commendation to Girl Scout Lauren Allen saluting her from a proud community in obtaining the Girl Scout Gold Award, the highest award in Girl Scouting. In achieving this honor, Lauren earned assorted awards and merit badges, which attest to her leadership qualities and her contribution to our community. Her completed project resulted in refurbishing a preschool play area known as the Discovery Den at Briar Bush Nature Center. Lauren's goal was to create a safe and inviting interactive play area for the children and families who visit the Briar Bush Nature Center Discovery Den and this will benefit the community for many years.

We appreciate all of her hard work and join the Girl Scouts of Eastern Pennsylvania and her family, friends and community leaders in extending our congratulations to Lauren on this milestone on behalf of the Board of Commissioners of the Township of Abington on this 14th day of December 2017.

Commissioner Farren presented Certificate of Commendation to Girl Scout Grace Campbell and accepting it for her was her mom in saluting Grace from a proud community in obtaining the Girl Scout Gold Award, the highest award in Girl Scouting. In achieving this honor, Grace earned assorted awards, which attest to her leadership qualities and her contribution to our community. Her completed project resulted in improving the preschool Discovery Den reading area at Briar Bush Nature Center to insure that more children have the opportunity to read and learn about nature as well as engage in imaginative play through nature-based games and this will benefit the community for many years.

We appreciate all of her hard work and join the Girl Scouts of Eastern Pennsylvania and her family, friends and community leaders in extending our congratulation to Grace on this milestone on behalf of the Board of Commissioners of the Township of Abington on this 14th day of December 2017.

Presentation and Commendation to Just Fight Foundation – Ally, Brad, Bridget and Liam Turner:

Commissioners Farren and DiPlacido serve on the Board of the Just Fight Foundation and were joined by the other Board members.

Commissioner Farren said since its inception, the Just Fight Foundation has carried on the wishes of the Turner family to give back to the Glenside and Abington communities in Ally Turner's name. By carrying the message of "Just Fight" to children and families struggling with traumatic brain injury and by championing the education of life-saving CPR and emergency preparedness and by preparing the Red Cross to host blood drives, the Just Fight Foundation has been tireless in its efforts to support the community that has embraced the Turner family and to be a source of strength and optimism for others.

The Just Fight Foundation embodies all the best aspects of our neighbors and our community, family, hope, courage and the importance of loving and caring for each other.

Commissioners Farren and DiPlacido presented Certificate of Commendation from a proud community saluting the Just Fight Foundation Board, the Turner Family, the volunteers and all of the family, friends and neighbors who continue to live out these qualities every day on behalf of the Abington Township Board of Commissioners joining our community in extending our congratulations to them on this 14th day of December 2017.

Commissioner Farren said life changed for Ally Turner on December 8, 2015 as she suffered a drowning accident in her bathtub. Through CPR efforts of Brad, Bridget and First Responders, Ally's life was saved. While at Children's Hospital of Philadelphia, Ally was placed on an echo machine, and every day, Brad, Bridget and Liam would tell her to "just fight!" Ally's vivacious personality responded to that challenge and she kept fighting ever since. As her lungs have healed and her brain function continues to improve, Ally has become a symbol of hope for her family and for others. In particular, Ally's fight and Liam's eternal love have inspired hundreds and thousands to never to give up even in the face of life's largest test.

Commissioners Farren and DiPlacido presented Certificate of Commendation to Ally, Brad, Bridget and Liam Turner commending them for their courage, hope and steadfast resolve to celebrate life and always to "Just Fight" on behalf of the Board of Commissioners of the Township of Abington on this 14th day of December 2017.

Kevin from Heaven Foundation:

Commissioners Farren and DiPlacido presented Certificate of Commendation to the Kevin from Heaven Foundation inspired by the life and personality of Kevin Thomas Flack. The Kevin from Heaven Foundation was originally formed in 2010 to support the Flack family. From local beginnings in Glenside, the Kevin from Heaven Foundation has grown to become a critical resource to provide emotional and financial aid to assist families who struggle with traumatic life-changing event. Through its activities such as Keep the Faith 5K event, Kevin's Coats and Service and Good Faith, the Foundation supports the education, health and well-being of families in need, the core of its mission.

Through Kevin's gifts, the Foundation provides direct assistance to families in financial need and over the years thousands of people have benefited from the Foundation's efforts.

Most importantly, the Kevin from Heaven Foundation carries on the legacy of Kevin Thomas Flack, a child with beautiful dimples and a gentle soul with a shy personality that was fiercely competitive, a loving son, brother and friend to all.

The Abington Township Board of Commissioners joins a proud community and salutes the Kevin from Heaven Foundation, the Flack family, the volunteers and all of the family, friends and neighbors who find comfort in Kevin's own words and continues to keep the faith.

President Luker recessed the meeting at 7:53 p.m. until 7:55 p.m.

APPROVAL OF MINUTES:

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve the Board of Commissioners Meeting minutes of November 9, 2017.

MOTION was ADOPTED 14-0.

PUBLIC COMMENTS - AGENDA ITEMS ONLY:

Lora Lehmann, 1431 Bryant Lane, clarified that comments can be made during agenda items for Hightop and Presby Homes. Is that correct?

President Luker replied yes.

PUBLIC WORKS COMMITTEE:

Resolution No. 17-032 – Green Light Go Grant Signature Authorization

Commissioner Hecker made a MOTION, seconded by Commissioner Kline to adopt Resolution No. 17-032 re-approving and re-authorizing the Township Manager to sign all documents pertaining to the Green Light Go Grant specific to the intersection of Fitzwatertown Road and North Hills Avenue/Woodland Road.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Myers noted that this particular grant is in no way attached to or associated with the Red Light Camera System program. It is a completely separate grant and funding.

MOTION was ADOPTED 14-0.

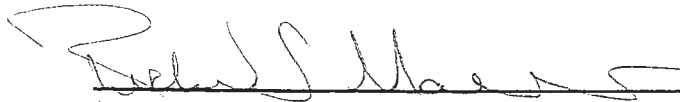
RESOLUTION #17-032

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA
FOR A GREEN LIGHT GO GRANT FOR THE INTERSECTION OF FITZWATERTOWN ROAD AND
NORTH HILLS AVENUE/WOODLAND ROAD

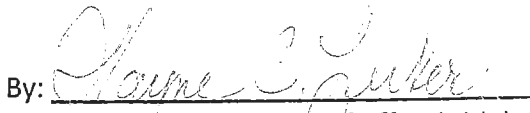
Be it RESOLVED, by authority of the Board of Commissioners of the Township of Abington,
Montgomery County, and it is hereby resolved by authority of the same, that the Township
Manager of said MUNICIPALITY is authorized and directed to execute all documents and
agreements between Abington Township and the Pennsylvania Department of Transportation to
facilitate and assist in obtaining the requested grant.

ATTEST:

ABINGTON TOWNSHIP
(Name of Municipality)



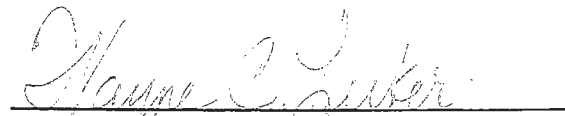
(Signature & designation of official title)
Richard J. Manfredi, Township Manager
Township Manager

By: 

(Signature & designation of official title)
Wayne C. Luker, President
Board of Commissioners

I, Wayne C. Luker, President of the Board of Commissioners, of the Township of Abington,
do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a
regular meeting of the Board of Commissioners held this 14th day of December, 2017.

DATE: 12/14/17


(Signature & designation of official title)
Wayne C. Luker, President
Board of Commissioners

Motion to Authorize the Sale of Township Property, Specifically:

- Vehicle 213 2003 International Truck 56,000 GVW-Automated
- Vehicle 217 2010 Peterbilt Truck 58,400 GVW – Automated
- Vehicle 220 2008 International Truck 56,000 GVW – Automated
- Vehicle 221 2008 International Truck 56,000 GVW – Automated

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

MOTION was ADOPTED 14-0.

CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE:

Consider Request for Consideration of Text Amendment by Hightop Real Estate Group:

Commissioner Kline said that any consideration by the Board tonight is to decide whether or not to advertise a public hearing on a subsequent date to consider proposed text amendment to the Zoning Ordinance.

Solicitor Clarke added that the Board has a copy of the proposed text amendment as well as a “red line” and “clean line” version of proposed text amendment including various letters from the MCPC and a detailed memo from his office outlining the issues presenting the timeline of when this application was made and also incorporating comments from Township staff and from the MCPC (Montgomery County Planning Commission).

Commissioner Kline clarified that all of that information will become public once the Board decides to advertise the ordinance. Until then, it is a draft and not considered a public document. Is that correct?

Solicitor Clarke replied that is correct. Until the Board takes action on advertising, all of the documents other than his memo will become public record and can be obtained through a “Right To Know” request.

Commissioner Kline clarified that if the Board decides to advertise proposed text amendment, it would then go back to the Abington Township Planning Commission to review any revisions incorporated into proposed text amendment and go through the entire public process including advertised public meetings. Is that correct?

Solicitor Clarke replied yes.

Commissioner Luker asked for any public comments.

Elizabeth Glaum-Lathbury, 1649 Ferndale Avenue, said she lives behind the property proposed for development and she questioned why a project would be considered at seven times the density of what was just approved as a legislative law. We have confidence that the Commissioners are more concerned about the community and the residents who live in the neighborhood as opposed to the “bottom line” of the developers. She is opposed to this development in its current state and she is also concerned about parking and cut-thru traffic in her neighborhood.

Scott Cowperthwait, 1649 Ferndale Avenue, said he also lives behind this property proposed for development and he does not agree with this project and it is not feasible, so he is opposed to this project. He is concerned about drainage issues from that property and proposed text amendment indicates a lesser buffer zone between his property and their property and he is concerned about parking. Also, he expressed concern that proposed development is for student housing and he is opposed to that as well.

Mildred Yarde, 1646 Ferndale Avenue, said she and her husband have lived on Ferndale Avenue since 1984. We like the diversity of our neighborhood; however, there are speeding vehicles coming through the neighborhood, and if we allow this project to happen, there will be more speeding. Also, she expressed concern about the “Stop” sign at Hamilton and Ferndale, which is very confusing to her and we do not agree with this project.

Raymond Bell, 2076 Parkview Avenue, commented that he is opposed to this project because high rise buildings on Old York Road do not make sense to him.

Solicitor Clarke said the developer submitted a draft text amendment on or about October 5, 2017 to Mr. Penecale, and on October 6, 2017, Mr. Penecale contacted the developer’s attorney raising several questions requesting clarification on properties affected by the zoning amendment and a plan that would permit calculation of covered setbacks and other dimensional limitations.

Following discussion with attorney for the developers; the Solicitor’s office provided a “red line” draft of proposed amendment with revisions on October 24, 2017. One substantive comment concerned a proposed provision allowing the Board of Commissioners to waive zoning requirements and this provision remains in the draft that is before the Board this evening.

The MCPC provided written preliminary comments on the draft ordinance on October 23, 2017 raising several concerns including proposed density. Township staff and the MCPC’s staff met with the developer’s representative and their attorney on November 16, 2017 following submission by the developer of a revised draft ordinance and this was prepared in response to MCPC’s comments.

At the November 16, 2017 meeting with Township staff and the MCPC; we provided comments and recommendations on the revisions to the draft. The MCPC issued its formal comments on the draft ordinance on November 22, 2017 recommending that the Township not enact the ordinance as proposed.

Subsequently on or about the same date as the MCPC's formal comments were made; the developer submitted a newly revised draft responding to comments made at the November 16, 2017 meeting.

On December 12, 2017, the MCPC staff provided informal comments on the latest draft ordinance reiterating the concerns about density and other issues. The most significant concerns from the MCPC, from Township staff and from his office are the proposed provision of the draft zoning amendment, which authorizes the Board of Commissioners to waive zoning provisions.

Any variance from provisions of the Zoning Ordinance must be approved by the Zoning Hearing Board, and despite the fact it has been tweaked on several occasions; it still remains in the draft. The MCPC and Township staff expressed concern that the density as revised increases to 61 dwelling units per acre or 35 units per acre without any bonuses and this is six times the current allowable density. The bonuses related to offsite parking should be contingent upon a firm commitment between the developer and the property owner for the additional parking in which there has not been any commitment that we have been made aware of.

Provision authorizing waiving zoning provisions is problematic given the Zoning Hearing Board's jurisdiction in this regard.

With respect to how this matter should proceed, it would be appropriate that if any Board member needs clarification from the developer and his attorney or the developer's other professionals who are here this evening, it would be appropriate to get that done now. If there are no clarifications there should be a motion to advertise for a public hearing for a subsequent date or a motion to not advertise for a subsequent date, or since this is a discretionary item for the Board, this is within their legislative function as to whether or not to consider the text amendment or the Board can take no action.

Deborah A. Shulski, Attorney with Riley, Riper, Hollin & Colagreco, 717 Constitution Drive, Exton, PA., 19341, agreed that the applicant understood that the Board was going to consider authorizing a public hearing where formal testimony will address concerns such as density, etc. This has been a two-year process where the applicant has been working with Township staff and the Commissioners as well as the neighbors. We were surprised by some of the resident's comments as we reduced the density considerably and we increased buffering and a number of other items. We respectfully request that the Board proceed with advertising a public hearing allowing the applicant to provide testimony.

Commissioner Luker asked for any comments from Commissioners.

Commissioner Kline commented that he is not sure why the Board would consider the proposed ordinance because it is so far from what was discussed by the Zoning Ordinance Rewrite Committee during the rewriting of the zoning ordinance. We carefully considered the northern section of Old York Road such as other sections in Abington because those sections are of major concern. We decided on density and setback requirements and everything related to the northern section of Old York Road, and to see what has been proposed in this text amendment is far and above it as well as with our larger commercial properties. The bonus requirement system in proposed ordinance has no resemblance to any bonus system in the current zoning ordinance.

Also, the contrive qualifiers in proposed ordinance either cause a larger expanse of potential development along the lines of what the zoning ordinance puts together or it creates a spot zoning issue because it eliminates so many different properties, which is problematic. This is not even small tweaks to the MS-H District or H-1 use group; it is a whole different “ballgame” and the new zoning ordinance was just passed earlier this year.

Commissioner Hecker said in committee, it was recommended that this item move forward and his commitment was that this should receive an appropriate review, which is why there were meetings with the neighbors and developer to see whether this was a workable project for both the entities. During the committee meeting, we did not have additional data from the MCPC and his concern is that this would be the first time that this Board would move forward with something that the MCPC is telling us we should not do. He is not comfortable as Commissioner of the ward recommending to his colleagues to move forward on an action when the people we rely on for advice and counsel are telling us it is problematic. There is more discussion needed based on comments made by Township Solicitor and from the MCPC.

Commissioner Myers asked for clarification on the three options for the Board.

Solicitor Clarke replied the first option would be to deny the applicant’s request for a hearing; approve request for a hearing or take no action.

Commissioner Myers said if the Board takes no action, does the applicant have an opportunity to come back at a later date with revisions to their plan.

Solicitor Clarke replied the applicant can come back with a revised plan or with the same plan at a future date.

Commissioner Myers said a “no” vote reflected on the record would not help the neighbors as opposed to “no action,” and she does not feel she has enough information and that it seems more work needs to be done.

Commissioner Kalinoski commented that “no action” would be the course he would like to take.

Commissioner Luker asked for a motion. There was none.

Reverse Subdivision Plan for Philadelphia Presbytery Homes, Inc. for the property known as the Rydal Waters Site

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to approve the reverse subdivision and land development plan submitted by Philadelphia Presbytery Homes for the Rydal Water Tract made up of Rydal Way, Noble Circle and Harbison Way zoned within the Senior Neighborhood Residential District of Ward #7.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Luker asked for any public comments on Items CE-02 and CE-03 of the agenda.

Lora Lehmann, 1431 Bryant Lane, expressed concern that she feels this reverse subdivision is about “non-owner, occupied properties,” and she is opposed to the motion and text amendment.

Commissioner Sanchez said that reps of Presbytery Homes have met with the neighbors throughout the entire time of this project and worked to satisfy all of their needs and concerns. These are high-end homes where residents have an interest in ownership and they are maintained by Rydal Park. The density is well within what was conceived for this project and it was intended to fit in with existing zoning. It will be a fine addition to assist seniors living in our Township and it also will not be a burden on the School District. He wholeheartedly supports this project.

Nancie Lara, 1248 Huntingdon Road, commented that her father who is now deceased, but was a resident of Rydal Park, and the community there helps increase the independence of the residents and they do an amazing job. She is in favor of a community setting rather than an institutional setting for these adults because there is nothing greater than having a loved one live in an apartment-like setting and she fully supports it.

Commissioner Spiegelman said both Hightop and Presby Homes items have been models for how Commissioners interact with residents when development is proposed, and he commended Commissioners Hecker and Sanchez for it. In regards to Presby Homes; he supports both proposals.

MOTION was ADOPTED 14-0.

Consider Zoning Text Amendment by Philadelphia Presbytery Homes

Commissioner Luker opened Public Hearing at 8:58 p.m.

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

Commissioner Luker asked for any other public comments. There were none.

Commissioner Luker closed Public Hearing at 8:59 p.m.

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to approve zoning text amendment by Philadelphia Presbytery Homes.

MOTION was ADOPTED 14-0.

Ordinance No. 2150 Amending Chapter 162, "Zoning" at Article XXI – "Use Regulations," and the Use Matrix Appendix: Repealing and Replacing Article XXVIII – "Wireless Communications" and Repealing Ordinances No. 1793 and 1800

Commissioner Sanchez made a MOTION, seconded by Commissioner Farren to authorize advertisement of Ordinance No. 2150 Amending Chapter 162, "Zoning" at Article XXI – "Use Regulations," and the Use Matrix Appendix: Repealing and Replacing Article XXVIII – "Wireless Communications" and Repealing Ordinances No. 1793 and 1800.

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

MOTION was ADOPTED 14-0.

PUBLIC SAFETY COMMITTEE:

Ordinance No. 2149 amending Chapter 156 (Vehicles and Traffic) Article II (Traffic Regulations) Section 14 (Stop Intersections); Article III (Parking 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)

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 2149 amending Chapter 156 (Vehicles and Traffic) Article II (Traffic Regulations) Section 14 (Stop Intersections); Article III (Parking 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). Ordinance No. 2149 (attached) will establish the following: Stop sign on Tallyho Road (south) at Meadowbrook Road, No Parking Anytime on the south side of Maplewood Avenue from Davisville Road to Fairview Avenue, No Parking Here To Corner on the south side of Maplewood Avenue, the intersection of Fairview Avenue extending 30 feet east, No Parking Monday through Friday from 8:00 a.m. to 4:00 p.m. on the south side of Maplewood Avenue, 30 feet east of the intersection of 1800 block of Fairview Avenue to the driveway of 2232 Maplewood Avenue. Ordinance No. 2149 (attached) will repeal the following: Prohibited Parking on the north side of Maplewood Avenue from Fairview Avenue east to the dead-end, Prohibited Parking on the south side of Maplewood Avenue from Fairview Avenue to the railroad property

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

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2149

**AN ORDINANCE AMENDING CHAPTER 156 – “VEHICLES AND TRAFFIC,”
ARTICLE II – “TRAFFIC REGULATIONS”
SECTION 14 – “STOP INTERSECTIONS”
ARTICLE III – “PARKING 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”
SECTION 26 – “PARKING PROHIBITED DURING CERTAIN HOURS”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 14 “Stop Intersections” and Article III – “Parking 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 26 “Parking Prohibited During Certain Hours” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

- Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 14 – “Stop Intersections,” shall be amended to **add** the following restrictions:

Stop Sign On	Direction of Travel	At Intersection Of
Tallyho Road	Southbound	Meadowbrook Road

- Chapter 156 – “Vehicles and Traffic,” Article III, “Parking Regulations,” Section 25 – “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To Corner; Parking Prohibited Except Certain Hours,” shall be amended to **repeal** the following restrictions:

Name of Highway	Side	Location
Maplewood Avenue [Amended 4-11-1985 By Ord. No. 1583]	North	From Fairview Avenue east to the dead end
Maplewood Avenue [Amended 1-14-1988 By Ord. No. 1583]	South	From 1800 block of Fairview Avenue to railroad property

- Chapter 156 – “Vehicles and Traffic,” Article III, “Parking Regulations,” Section 25 – “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To

Corner; Parking Prohibited Except Certain Hours,” shall be amended to add the following restrictions:

Name of Highway	Side	Location
Maplewood Avenue	South	From 1800 block Fairview Avenue 30 feet east
Maplewood Avenue	South	From Davisville Road to Fairview Avenue

4. Chapter 156 – “Vehicles and Traffic,” Article III, “Parking Regulations,” Section 26 – “Parking Prohibited During Certain Hours;

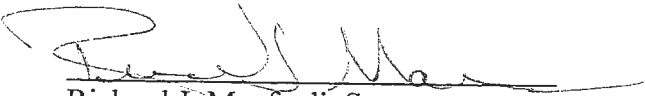
Name of Highway	Side	Hours	Location
Maplewood Avenue	South	8:00 a.m. to 4:00 p.m. Monday through Friday	30 feet east of the intersection of 1800 Fairview Ave to the Driveway of 2232 Maplewood Avenue

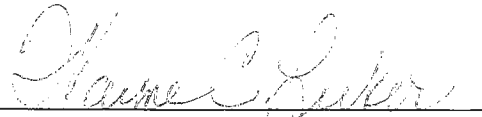
5. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
6. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 14 day of December, 2017.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:


Richard J. Manfredi, Secretary

By: 
Wayne C. Luker, President

Ordinance No. 2143 Creating Tax Incentives for Members of the Abington Township Fire Department and Montgomery County Second Alarmers (EMS) and Motion to Adopt the New Ordinance

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 2143 creating Tax Incentives for Members of the Abington Township Fire Department and Montgomery County Second Alarmers (EMS).

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

MOTION was ADOPTED 14-0.

ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE #2143

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING CHAPTER 152 – “TAXATION” TO ADD ARTICLE VIII – “VOLUNTEER SERVICE CREDIT PROGRAM,” SECTIONS 82 THROUGH 91, ESTABLISHING A VOLUNTEER SERVICE CREDIT PROGRAM; ENACTING TAX CREDITS FOR VOLUNTEER MEMBERS OF VOLUNTEER FIRE COMPANIES AND NONPROFIT EMERGENCY MEDICAL SERVICE AGENCIES; AND ESTABLISHING ADMINISTRATIVE PROCEDURES AND APPEALS

WHEREAS, the Township of Abington is a duly organized Township of the first class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, in accordance with the First Class Township Code of Pennsylvania, 53 P.S. §§55101, et. seq., the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances and regulations necessary for the proper care, management, and control of the Township; and

WHEREAS, the Commonwealth of Pennsylvania recently enacted Act 172 of 2016, which provides municipalities with the option to offer a real estate and/or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program; and

WHEREAS, the Township has determined that the public health, safety and welfare would benefit from the amendment of Chapter 152 – “Taxation,” to add Article VIII – “Volunteer Service Credit Program,” Sections 82 through 91, creating such a volunteer service credit program.

IT IS HEREBY ENACTED AND ORDAINED by the Township of Abington Board of

Commissioners as follows:

SECTION 1. Amendment to Chapter 152 (Taxation) providing a new Article VIII (Volunteer Service Earned Income Tax Credit and Real Property Tax Credit).

The Township's Code, Chapter 152 (Taxation) shall be amended to add a new Article VIII (Volunteer Service Earned Income Tax Credit and Real Property Tax credit), which shall read as follows:

**Article VIII
Volunteer Service Earned Income Tax Credit and
Real Property Tax Credit**

§152-82. Scope and Purpose.

- A. Scope. This Ordinance is related to Act 172 and its intended incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.
- B. Purpose. The purpose of this Ordinance is to enact a tax credit against an active volunteer's tax liability as a financial incentive to (1) acknowledge the value and the absence of any public cost for volunteer fire protection and nonprofit emergency medical services provided by active volunteers; and (2) encourage individuals to volunteer, or for former volunteers to consider rejoining as active volunteers, in a township volunteer fire company or nonprofit emergency medical services agency.

§152-83. Definitions

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise.

"Active Volunteer." A volunteer for a volunteer fire company or nonprofit emergency medical service agency as indicated herein who has complied with, and is certified under, the Volunteer Service Credit Program as set forth herein.

"Commissioner." The State Fire Commissioner of the Commonwealth of Pennsylvania.

"Earned Income Tax." A tax on earned income and net profits levied under Chapter 3

of the Act of December 31, 1965 (P.L. 1257, No. 511), known as The Local Tax Enabling Act.

- “Eligibility Period.” The timeframe when volunteers may earn credit under the Volunteer Service Credit Program.
- “Emergency Responder.” A volunteer who responds to an emergency call with one of the volunteer fire companies or nonprofit emergency medical service agencies providing service in Abington Township.
- “Emergency Response Call.” Any emergency call to which a volunteer responds, including travel directly from and to a volunteer’s home, place of business or other place where he or she shall have been when the call was received.
- “Local Tax Enabling Act.” The Act of December 31, 1965 (P.L. 1257, No. 511), known as the Local Tax Enabling Act.
- “Qualified Real Property.” A residential real property owned and occupied as the domicile of an active volunteer.
- “Qualified Volunteer.” A township resident that has served as an active volunteer, in good standing, as so certified under this Ordinance, during the preceding calendar year, for a township volunteer fire company and/or a nonprofit emergency medical services agency.
- “Nonprofit emergency medical services agency.” An entity that is chartered as a nonprofit corporation and engages in the service of providing emergency medical services to patients within this Commonwealth by operating any of the following:
- (1) An ambulance.
 - (2) An advanced life support squad vehicle.
 - (3) A basic life support squad vehicle.
 - (4) A quick response service.
 - (5) A special operations EMS service. This paragraph includes, but is not limited to:
 - (i) a tactical EMS service;
 - (ii) a wilderness EMS service;
 - (iii) a mass-gathering EMS service; and
 - (iv) an urban search and rescue EMS service.
 - (6) A vehicle or service which provides emergency

medical services outside of a health care facility, as prescribed by the Department of Health by regulation.

“Tax Credit.”	The Earned Income Tax credit and/or the Real Property Tax Credit granted hereunder.
“Township.”	The Township of Abington, Montgomery County, Pennsylvania.
“Volunteer.”	A member of a volunteer fire company or a nonprofit emergency medical service agency.
“Volunteer fire company.”	A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection services and may offer other voluntary emergency services within the Township.
“Volunteer Service Credit Program.”	The program established pursuant to this Chapter to determine the active status of a volunteer.

§152-84. **Volunteer Service Tax Credits.**

- A. Establishment. The Township of Abington hereby establishes a Volunteer Service Credit Program.
- B. Limitations. The tax credits established by this Ordinance may be used against the Qualified Volunteer’s tax liability for the current taxable year and every taxable year the individual is qualified as a Qualified Volunteer. The tax credits established by this Ordinance shall remain in effect unless and until the Township repeals this Ordinance.

§152-85. **Qualifying Volunteer.**

- A. Qualifying Volunteer Criteria. To be a Qualifying Volunteer under this Ordinance, an individual must (1) be a township resident; and (2) have served as an active volunteer, in good standing, as so certified under this Ordinance, during the preceding calendar year, for a township volunteer fire company and/or a nonprofit emergency medical services agency.
- B. Joint Tax Return. An Qualified Volunteer may claim a tax credit provided for in this Ordinance when filing a joint return. The tax return form shall provide a mechanism for separating the liability of an individual for any earned income tax imposed by the school district of residence from the liability of an individual for any earned income tax imposed by the Township. The tax credit shall only be applicable to the earned income tax imposed by the Township.

- C. Injured Active Volunteer. An active volunteer who was injured during a response to an emergency call and can no longer serve as an active volunteer because of the injury and who would otherwise be eligible for tax credits under this Ordinance shall be eligible for such tax credits for the succeeding five tax years. The injured active volunteer must submit a new application each year as set forth herein in order to qualify for the tax credits described herein.
- D. Eligibility Period. The eligibility period for the 2017 calendar year shall be from January 20th through December 31st. For 2018 and subsequent years, the eligibility period shall be from January 1st through December 31st of each calendar year. An active volunteer must meet the minimum criteria, set by resolution of the Board of Commissioners, during the eligibility period to qualify for the tax credits established by this Ordinance.
- E. Recordkeeping. The chief of each volunteer fire company or the supervisor of the nonprofit emergency medical service agency, as applicable, shall keep specific records of each active volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to review by the Board of Commissioners of the Township of Abington, the State Fire Commissioner and the State Auditor General. The chief, or supervisor, as applicable, shall annually transmit to the Township Manager a notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Credit Program. The notarized eligibility list shall be transmitted to the Township no later than January 7th of each year. The chief or supervisor, as applicable, shall post the notarized eligibility list in an accessible area of the volunteer agency's facilities.
- F. Eligibility List. A notarized list of eligible active volunteers shall be submitted to the governing body, no later than 45 days before tax notices are distributed, by the appropriate Chief of the township's five volunteer fire companies or the Township's nonprofit emergency medical services agency, as applicable.
- G. Criteria Revision. The Board of Commissioners reserves the right to revise the criteria for certification of a Qualifying Volunteer, by Resolution, in whole or in part, at its sole discretion.

§152-86. Certification of Qualifying Volunteers.

- A. To receive certification as a Qualifying Volunteer under this Ordinance, an individual must meet the Qualifying Volunteer criteria set forth by Resolution and, by January 15 of each year (following the year in which an individual has served as an active volunteer), sign and submit an Application for Certification as a Qualifying Volunteer to the Chief of

the volunteer fire company or nonprofit emergency medical services agency, as applicable.

- B. Thereafter, the Fire Company's Chief or the Township's Nonprofit emergency Medical Services Agency Chief, as applicable, shall review all applications submitted, sign each application, and indicate on each application whether he/she recommends the volunteer to be certified as a Qualifying Volunteer.
- C. By January 30 of the same year, the Fire Company's Chief or the Township's Nonprofit emergency medical Services Chief, as applicable, shall forward all applications received, with all supporting documentation, to the Board of Commissioners.
- D. The Board of Commissioners shall review all applications and supporting documentation and shall, by Board motion, certify all Qualifying Volunteers on or before March 1 of each year. Only those volunteers so certified by the Board of Commissioners shall be eligible to receive the earned income tax credit and/or the real property tax credit, and these credits may be utilized for any earned income taxes and/or real property taxes paid or payable to the Township during or for the previous calendar year only.
- E. Official Tax Credit Register. The Township shall keep an official Tax Credit Register of all Qualified Volunteers that were issued tax credit certificates. The Township Manager shall issue updates, as needed, of the official Tax Credit Register to the following:
 - 1. Township Board of Commissioners;
 - 2. Chief of the volunteer fire companies;
 - 3. Chief or supervisor of the nonprofit emergency medical service agency;
 - 4. Tax officer for the Township Tax Collection District.

§ 152-87 – Earned Income Tax Credit

- A. Tax Credit. Each Qualified Volunteer who has been certified under the Volunteer Service Credit Program shall be eligible to receive a tax credit of up to 20% of earned income tax credit per year, not to exceed \$1,000.00 of the of the Township portion of any Earned Income Tax levied by the Township. When an active volunteer's earned income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's tax liability.
- B. Claim. A Qualified Volunteer with a tax credit certificate may file a claim for the tax credit on their Township earned income tax liability when filing a final local return for the preceding calendar year.

C. Rejection of Tax Credit Claim.

1. The Township Tax Collector shall reject a claim for a tax credit if the taxpayer is not on the official Tax Credit Register issued by the Board of Commissioners.
2. If the Township Tax Collector rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for rejection and provide the method of appealing the decision pursuant to Section 89 hereof.
3. Taxpayers shall have 30 days to appeal the decision of the Township Tax Collector.

§ 152-88 – Real Property Tax Credit

A. Tax Credit. Each Qualified Volunteer who has been certified under the Volunteer Service Credit Program shall be eligible to receive a real property tax credit of 20% of the Township tax liability on qualified real property. This tax credit shall not apply to any other tax liability imposed upon the qualified real property. If the tax is paid in the penalty period, the tax credit shall only apply to the base tax year liability.

B. Claim. A Qualified Volunteer with a tax credit certificate may file a claim for the tax credit on their qualified real property tax liability for the Township's real estate tax levy. The tax credit shall be administered as a refund. The Qualified Volunteer shall file the following with the Township Manager or the Township Tax Collector:

- i. A true and correct receipt from the Township real estate tax collector of the paid Township real property taxes for the tax year in which the claim is being filed.
- ii. The tax credit certificate.
- iii. Photo identification.
- iv. Documentation that the tax paid was for qualified real property as defined in this Ordinance.

2. If the active volunteer provides all documents required under this subsection, the Township Treasurer shall issue the tax refund to the active volunteer.

C. Rejection of the Tax Credit Claim.

1. The Township Tax Collector shall reject the claim for a Township real property tax credit if the taxpayer fails to provide the documents required under Subsection (B).
2. If the Township Tax Collector rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and

provide the method of appealing the decision pursuant to Section 86 hereof.

3. Taxpayers shall have 30 days to appeal the decision of the Township Tax Collector.

§152-89. Appeal.

A. Earned Income Tax Credit Appeals.

1. Any taxpayer aggrieved by a decision under Section 87 hereof shall have a right to appeal said decision.
2. A taxpayer shall have 30 days to appeal a decision or rejection of claim.
3. All appeals of decisions under Section 87 hereof shall follow the provisions of the Act of May 5, 1998, P.L. 301, No. 50, known as the Local Taxpayers Bill of Rights.

B. Real Property Tax Credit Appeals.

1. Any taxpayer aggrieved by a decision under Section 88 hereof shall have a right to appeal said decision. A taxpayer shall have 30 days to appeal a decision or rejection of claim.
2. All appeals under Section 88 hereof shall follow the provisions of 2 Pa.C.S. Chapter 5, Subchapter B (relating to practice and procedure of local agencies), and 2 Pa.C.S. Chapter 7, Subchapter B (relating to judicial review of local agency action), also known as the "Local Agency Law."

§152-90. Exemption Certificate.

Within 10 days of the Board of Commissioners decision certifying Qualifying Volunteers, the Township Secretary shall issue a Qualifying Volunteer Exemption Certificate to each Qualifying Volunteer, in a form acceptable to the Tax Collector appointed by the Montgomery County Tax Collection Committee to collect the earned income tax and the Township's Tax Collector elected to collect the township's real property tax.

§152-91. False Reporting Penalty.

- A. Any person who knowingly makes, or conspires to make, a false Application for Certification as a Qualifying Volunteer commits a misdemeanor of the first degree punishable by a fine of \$2,500.

- B. Any person who knowingly provides, or conspires to provide, a false Certification Recommendation under this Ordinance commits a misdemeanor of the first degree punishable by a fine of \$2,500.

SECTION 2. Repeal and Ratification.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this 14 day of December, 2017, by the Board of Commissioners of Abington Township, Montgomery County, PA.

ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

(Seal)

Attested by:


Richard J. Manfredi, Secretary


Wayne Luker, President

Board of Commissioners Meeting

December 14, 2017

Resolution No. 17-034 of Abington Township, County of Montgomery, Commonwealth of Pennsylvania, Establishing Annual Requirements for the Certification of Active Volunteer Service

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Resolution No. 17-034, a Resolution of Abington Township, County of Montgomery, Commonwealth of Pennsylvania, establishing annual requirements for the certification of active volunteer service

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

MOTION was ADOPTED 14-0.

**ABINGTON TOWNSHIP
RESOLUTION NO. 2017-034**

**A RESOLUTION OF ABINGTON TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
ESTABLISHING ANNUAL REQUIREMENTS FOR THE CERTIFICATION OF
ACTIVE VOLUNTEER SERVICE**

WHEREAS, Act 172 of 2016 provides municipalities with the option to offer a real estate and/or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program; and

WHEREAS, the Board of Commissioners has enacted Ordinance number 2143, which establishes a real estate tax credit and an earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies; and

WHEREAS, Act 172 of 2016 requires that the Board of Commissioners establish by resolution the annual requirements for the certification of active volunteer service in order to qualify for the tax credits established in Ordinance number 2143; and

WHEREAS, in establishing the requirements herein, the Township has met with the Chiefs of the Abington Fire Company, McKinley Fire Company, Weldon Fire Company, Edge Hill Fire Company, Roslyn Fire Company, and representatives of the Second Alarmers Rescue Squad; and

WHEREAS, in establishing the requirements herein, the Board of Commissioners acknowledges that a volunteer may support a fire company or emergency medical services agency and, therefore, the municipality in many ways, including, but not limited to, (1) response to emergency calls, (2) participation in formal training and drills, (3) administrative and support services, and (4) involvement in events or projects that aid the financial viability, emergency response, or operational readiness; and

WHEREAS, the Board of Commissioners recognizes that the volunteer fire companies that service the Township have established Length of Service Awards Programs ("LOSAP") which provides financial assistance to active volunteers based on longevity of service; and

WHEREAS, the Board of Commissioners supports the existence of, and recognizes the importance of, the LOSAP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Abington Township does hereby establish the following criteria for the certification of active volunteer service:

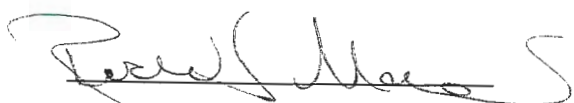
1. Only a person serving in a firefighting, business or Auxiliary function of a volunteer fire company or emergency medical services agency shall be considered a member for purposes of compliance with the terms of this Resolution and/or Ordinance number 2143; and
2. A member must be in good standing with the Abington Fire Company, McKinley Fire Company, Weldon Fire Company, Edge Hill Fire Company, Roslyn Fire Company, or the Second Alarmers Rescue Squad; and

3. The member has accrued a minimum of 25 hours of service attained by participation in the following activities: response to emergency calls, formal training and drills, administrative and support services, fundraising, or other sanctioned events; and
4. The member must demonstrate compliance with all other eligibility criteria or requirements established through Act 172 of 2016 and Ordinance number 2143 are met.

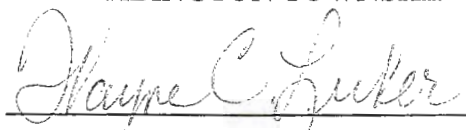
I HEREBY CERTIFY that this Resolution was adopted by Abington Township at its public meeting held on the 14 day of December, 2017.

ATTEST:

ABINGTON TOWNSHIP



Richard J. Manfredi
Township Secretary



Wayne C. Luker, President
Board of Commissioners

Crossing Guard Memorandum of Understanding for 2018-2019

Commissioner Schreiber made a MOTION, seconded by Commissioner Zappone to approve a Memorandum of Understanding setting for the compensation of the Township of Abington Crossing Guards for the Fiscal Years 2018 and 2019, and authorize the Township Manager to execute said Memorandum of Understanding.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline clarified that the change in compensation was figured into 2018 budget. Is that correct?

Manager Manfredi replied yes, Chief Livingood has figured that change into budget.

Commissioner Hecker noted that the Crossing Guards are being represented tonight by Dorothy Kalkbrenner, who is the longest serving crossing guard with 40 years of service. Dorothy and her husband, Bill who is a former Township Engineer are his next door neighbors.

MOTION was ADOPTED 14-0.

PUBLIC AFFAIRS COMMITTEE:

Adoption of the Fair Housing – Resolution No. 17-033

Commissioner Spiegelman made a MOTION, seconded by Commissioner Rothman to adopt the Fair Housing – Resolution No. 17-033. The Township of Abington receives an annual allocation of Community Development Block Grant (CDBG) federal funds from the U.S. Department of Housing and Urban Development (HUD). As a grantee of these federal funds (CDBG and HOME) it is required by HUD to annually adopt a Fair Housing Resolution.

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

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

FAIR HOUSING - RESOLUTION NO. 17-033

LET IT BE KNOWN TO ALL PERSONS of the Township of Abington that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Act. It is the policy of the Township of Abington to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, age, familial status (families with children) religious creed, ancestry, sex, national origin, handicap or disability, use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression. Therefore, the Township of Abington does hereby pass the following resolution.

BE IT RESOLVED, that within available resources the Township of Abington will assist all persons who feel they have been discriminated against because of race, color, age, familial status (families with children) religious creed, ancestry, sex, national origin, handicap or disability, use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression to seek equity under federal and state laws by filing a complaint with the Pennsylvania Human Relations Commission and the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, that the Township of Abington shall publicize this Resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the Pennsylvania Human Relations Act, and any local laws or ordinances.

FURTHER PUBLICITY will at a minimum include, but not to be limited to: (1) the printing and publicizing of this resolution and other applicable fair housing information through local media and community contracts: (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

EFFECTIVE DATE: December 14, 2017.

ATTEST:


Richard J. Manfredi, Secretary

ABINGTON TOWNSHIP


Wayne C. Luker, President
Board of Commissioners

Resolution No. 17-035 Closing Out Community Conservation Partnership Grant Project
(BRC-TAG-20-12)

Commissioner Spiegelman made a MOTION, seconded by Commissioner Kalinoski to approve Resolution No. 17-035 closing out community conservation partnership grant project (BRC-TAG-20-12).

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

MOTION was ADOPTED 14-0.

RESOLUTION NO.17-035

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS
GRANT PROJECT (BRC-TAG-20-12)

WHEREAS, Abington Township Briar Bush Nature Center has prepared a Master Site Plan for the

Briar Bush Nature Center outdoor grounds area; and,

WHEREAS, the purpose of the Plan is to develop a more effective and accessible site to better meet Briar Bush Nature Center's mission; and,

WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number **BRC-TAG-20-12**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Abington Township Board of Commissioners

Of Abington Township that:

- a. The project was completed in accordance with the Grant Agreement.
- b. All project expenditures have been made and were in accordance with the Grant Agreement.
- c. The Plan and related materials are acceptable to Abington Township.
- d. The Plan and related materials will be used to guide future recreation and conservation decisions.

ADOPTED THIS 14 DAY OF December 2017, by the

Abington Township _____

(Name of governing body and name of grantee)

Hayne C. Luker

(Signature, name and title of chief official,
president, or chairperson)

Attest: Randy Man

(Signature and title)

1106 Old York Road

Solicitor Clarke said property located at 1106 Old York Road was put up for public auction and Township staff is working with the RDA to bid on the auction and was able to obtain the property for less money than originally budgeted for this property. The auction company forward agreement-of-sale to Jerry Nugent of the RDA earlier this morning as there was a 4 p.m. deadline today for agreement of sale to be signed from the auction company, so Mr. Nugent executed the agreement. Once the agreement is signed by the seller and buyer, a deposit must be made within 48 hours, so we need the Board to authorize the payment for 1106 Old York Road so as to not lose this property to the next highest bidder.

Commissioner Spiegelman made a MOTION, seconded by Commissioner Sanchez to approve purchase of 1106 Old York Road from the online auction process including payment of the earnest money deposit through the closing agent upon execution of the purchase and sale agreement by seller and agreement of the remaining purchase price and related closing costs in cooperation with the RDA.

Commissioner Luker asked for the price.

Solicitor Clarke replied that the Township was the highest bidder at 141,000.00 with a five percent (5%) fee to the auction company, so total owed is \$148,050.00.

Commissioner Gillespie asked for the amount of earnest deposit.

Commissioner Sanchez replied \$4,230.00.

Commissioner Spiegelman said this was late breaking and the Board is familiar with the Old York Road/Susquehanna project and it is a huge step forward. He urged his colleagues to please consider supporting this action.

MOTION was ADOPTED 14-0.

FINANCE COMMITTEE:

Treasurer's Report:

Township Treasurer Jay W. Blumenthal noted that his report is before the Board this evening and he will answer any questions.

Investments

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to approve investments for the month of October as previously circulated to the Board. It was noted that investment for the month totaled \$735,000.00. Interest rate yields were 1.250%.

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

MOTION was ADOPTED 14-0.

Expenditures/Salaries and Wages

Motion to:

- (A) Approve the October expenditures as previously circulated to the Board, in the amount of \$5,048,516.19 and salaries and wages in the amount of \$1,818,342.99.
- (B) Authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of January 2018.

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

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

Training and Conference Expenses

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to approve the Advance and Travel Expense activity for October 2017 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$2,422.38, respectively. Ten-month expenses totaled \$25,252.31.

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

MOTION was ADOPTED 14.0.

Clearing Fund/Deferred Revenue and Expenses/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 October as previously circulated to the Board.

Clearing fund receipts and disbursements for the month of October 2017 were \$845.31 and (\$2,234.34), respectively.

Deferred Revenue/Expense receipts and disbursements for the month of October 2017 were \$40,000.00 and (\$93,349.00), respectively.

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

MOTION was ADOPTED 14.0.

Budget Transfer Authorization

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to authorize the Budget Transfers and Supplemental Appropriations going from fund balance to the appropriate departmental personal service expense cost objects for the Fiscal Year 2017.

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

MOTION was ADOPTED 14.0.

Funding for Legal Fees

Commissioner Hecker made a MOTION, seconded by Commissioner Spiegelman to appropriate \$100,000.00 from fund balance for legal fees.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline said he will recuse himself from voting on this item.

Commissioner Myers commented that she will not vote against this, but will do so with reservation. This is beginning to be a money pit and we are always hearing about it after the money has been billed, invoiced or spent. Where does it fit in with the fund balance policy and is there any money remaining in contingency fund that could cover a portion of it?

Manager Manfredi replied there are no funds available in contingency and it needs to come from fund balance.

Kevin Barron, Finance Director, said he hopes that \$100,000 is not needed. He brought this matter before Finance Committee estimating expenditures through the years and came up with this figure and he does not want to come back before the Board asking for more. Only what is needed will be transferred, not the entire \$100,000.00, so the motion should say, "up to and including \$100,000.00."

Commissioner Myers clarified that this is to cover invoices that were submitted. Is that correct?

Mr. Barron replied this is to cover invoices for October, November and December for which he does not have yet.

Commissioner Myers clarified that this amount will cover those invoices not yet received. Is that correct?

Mr. Barron replied absolutely.

Commissioner Myers asked how much was budgeted next year for legal fees?

Mr. Barron replied the same amount as 2017.

Commissioner Myers said it would behoove the Board to have some type of policy for legal fees. This is not a good way to operate taking \$100,000 from fund balance in the middle of December to cover invoices that have not been submitted yet and it is concerning.

Manager Manfredi replied there is a retainer that covers work done by the attorney, and before the Board approves any matter of litigation, the Solicitor should project out the costs that are not covered under that retainer. So on a case-by-case basis, funds can be authorized by the Board to withdraw from contingency or fund balance to cover anything outside of the retainer.

MOTION was ADOPTED 13-0.

Fire Company Audit Award

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to authorize the President of the Board of Commissioners and Township Manager to execute a three-year agreement with Maillie Falconiero & Co. for purposes of providing fire audit services for the years 2017 in the amount of \$19,000, 2018 in the amount of \$19,500 and 2019 in the amount of \$20,000. Funds to be drawn from Fire in-lieu-of taxes.

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

MOTION was ADOPTED 14.0.

PENSION COMMITTEE:

Resolution No. 17-030 – Amending Police Pension Document Pertaining to Member Contributions

Commissioner Kline made a MOTION, seconded by Commissioner Spiegelman to set Police Pension contribution rate for 2018 at five percent (5%) of compensation.

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

MOTION was ADOPTED 14-0.

RESOLUTION NO. 17-030

**AMENDING POLICE PENSION PLAN DOCUMENT
PERTAINING TO MEMBER CONTRIBUTIONS**

WHEREAS, the Township of Abington (the "Employer") previously established, by Resolution dated January 1, 2001, the Police Pension Plan for the Township of Abington (the "Plan"); and

WHEREAS, the applicable statute provides that the establishment of such pension plan may be made by Ordinance or Resolution; and

WHEREAS, the "Employer" does, in fact, from time to time, modify and/or amend the "Plan"; and

WHEREAS, any and all amendments and modifications to the "Plan" are required to adhere to all regulations as per applicable pension law (Act 600); and

WHEREAS, the "Employer", through negotiation with the Abington Township Police Association, have made it necessary and desirable to amend Article III entitled "Contribution", Section 3.01 entitled "Member Contributions", and

WHEREAS, this amendment will be effective January 1, 2018;

NOW, THEREFORE, BE IT RESOLVED, this 14th day of December, 2017, that Article III, Section 3.01 shall be amended in its entirety to read as follows:

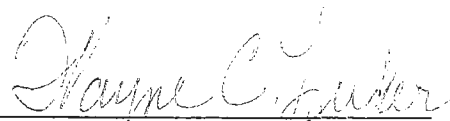
ARTICLE III

CONTRIBUTIONS

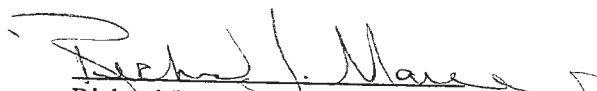
3.01 Member Contributions. MEMBERS shall pay into the FUND a percentage amount to be determined annually based upon the most recent actuarial report and minimum municipal obligation calculation. The percentage rate will be set annually by resolution no later than December 31st for the following calendar year. The percentage rate shall be set between zero (0%) and five percent (5%) of COMPENSATION. The contribution rate for 2018 is five percent (5%) of COMPENSATION. It is further understood that the TOWNSHIP will not contribute into the FUND until the MEMBERS are contributing their maximum of five percent (5%) of their COMPENSATION. Individual records of contribution by MEMBERS shall be maintained, including all interest credited to the MEMBER'S individual account which shall be known as the MEMBER CONTRIBUTION ACCOUNT. Interest to be credited shall be five percent (5%) compounded annually.

Interest shall be credited from the end of the PLAN YEAR in which paid to the end of the month after which a refund becomes payable.

TOWNSHIP OF ABINGTON

By: 
Wayne C. Luker, President
Board of Commissioners

ATTEST:


Richard J. Manfredi, Secretary

Resolution No. 17-031 – Amending Resolution No. 17-025 for the Township’s 2018 Minimal Municipal Funding Obligation With Respect to the Municipal Non-Uniformed Employees’ Defined Contribution Pension Plan

Commissioner Kline made a MOTION, seconded by Commissioner Sanchez to adopt Resolution No. 17-031 revising and amending the Township’s minimum municipal funding obligation for the calendar year 2018 with respect to the Municipal Defined Contribution Pension Plan, which is amended from \$27,687 to \$53,486 due to additional employees being hired since original Resolution No. 17-025 was adopted on September 14, 2017.

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

MOTION was ADOPTED 14-0.

RESOLUTION NO. 17-031
Amending Resolution No. 17-025

**REVISED MINIMUM MUNICIPAL OBLIGATION
FOR 2018 MUNICIPAL NON-UNIFORMED EMPLOYEES'
DEFINED CONTRIBUTION PENSION PLAN**

WHEREAS, the Township of Abington does maintain three pension plans;

WHEREAS, said plans are known as the Township of Abington Municipal Non-Uniformed Employees' Pension Plan, the Township of Abington Police Pension Plan and the Township of Abington Non-Uniformed Employees' Defined Contribution Pension Plan;

WHEREAS, Act 205 of 1984 mandates that the governing body of said "plans" recognize their minimum obligation on or before September 30 of a given year;

WHEREAS, Act 205 of 1984 allows the governing body of said plans to revise and amend their minimum municipal obligation on or before December 31 of a given year;

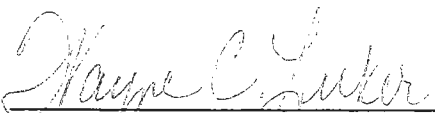
NOW, THEREFORE, BE IT RESOLVED, that based upon employee contributions at 5% for the calendar year 2018, the Board of Commissioners amends the funding requirements as enacted September 14, 2017 for the Municipal Non-Uniformed Employees' Defined Contribution Pension Plan to be \$53,486.

THEREFORE, the Board of Commissioners recognizes these funding requirements and makes provisions for these costs as part of their budget for the year 2018.

RESOLVED, at the meeting of the Board of Commissioners this 14th day of December, 2017.


ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

By:



Wayne C. Luker, President

ATTEST:



Richard J. Manfredi, Secretary

PUBLIC COMMENTS – NON-AGENDA ITEMS ONLY:

Nancie Lara, 1248 Huntingdon Road, commented that while she has no issues with people celebrating and decorating for the holidays; however, she lives next door to a laser that is directly pointed at her home shining right into it. There are EPA and FDA guidelines for lasers as laser is a device that emits light through a process of optical amplification based on stimulated emission of electromagnetic radiation. She would like to begin the discussion of some form of limitation as to how decorations can be displayed because the laser is in clear vision of her home and her family with her upstairs completely illuminated.

She has a son with autism and a son who has seizure disorders and flashing, blinking lights and lasers cause seizures. Her son had a seizure since this occurred and he is not able to sleep in his own home, so this is a health issue for herself and her family.

The FDA classifies lasers as most hazardous and she respectfully asked the Board to consider a code guideline with respect to decorations.

Lora Lehmann, 1431 Bryant Lane, asked for documents of legal fees in regards to the Briar Bush project. Also, she was opposed to the “Fire Tax Credit passed without an amount assessed to it.”

PRESENTATIONS:

President Luker thanked Commissioners Tom Farren and Stephen Kalinoski on behalf of the entire Board of Commissioners and himself personally as they will be leaving the Board.

Commissioner Stephen Kalinoski has served the Board for five years and Commissioner Tom Farren has served for four years. Both have served admirably never backing down from a challenge or a request from him for their help in Board-related issues. Perhaps, we always did not always agree, but we agreed to disagree, never losing respect for one another. He thanked them both for their dedicated service to the Township and to their constituents and also to their families for all they endured during these years of service.

President Luker presented a Proclamation to Commissioner Thomas J. Farren, Sr., who was first sworn into the Office of Township Commissioner for Ward 12, on the 28th of January, 2013 and then again on the 6th day of January, 2014.

Commissioner Farren has served as a member of the Public Affairs, Public Safety and School Committees and served as Assistant Director of Public Works and Public Affairs Committees

Commissioner Farren has represented the people of Ward 12 with distinction and considered all citizens in his deliberations.

Now, therefore be it proclaimed on this 14th day of December 2017 that Commissioner Thomas J. Farren, Sr. be remembered for his many accomplishments and achievements for serving the people of the Township of Abington with honor and integrity and herewith recognized by this formal expression of gratitude and thanks by the Township Board of Commissioners of the Township of Abington.

Commissioner Myers presented a Proclamation to Commissioner Stephen J. Kalinoski, who was first sworn into the Office of Township Commissioner of Ward 6 on the 14th day of June 2012 and then again on the 6th day of January 2014.

Commissioner Kalinoski has served as a member of the Public Affairs, Public Safety and School Committees and served as the Assistant Director on the Public Works Committee.

Commissioner Kalinoski has represented the people of Ward 6 with distinction and considered all citizens in every vote he cast.

Now, therefore be it proclaimed on this 14th day of December 2017 that Commissioner Stephen J. Kalinoski be remembered for his many accomplishments and achievements for serving the people of the Township of Abington with honor and integrity and is herewith recognized by this formal expression of gratitude and thanks by the Township Board of Commissioners of the Township of Abington.

Commissioner Myers said that she has seen Stephen grow as Commissioner from 2012 until now, and he is a community leader and continues to be one and his contributions to this Township that he loves so much will never end. Commissioner Kalinoski is our friend now and forever.

REMARKS OF COMMISSIONERS:

Commissioner DiPlacido announced that he will see everyone on Saturday night between 4-6 p.m. at the McKinley Fire House for its holiday event with Santa. Also, “when driving though Abington Township, please drive like your kids live here.”

Commissioner Farren reminded everyone about the Blood Drive for Just Fight Foundation at the North Penn VFW from 3-8 p.m.

Commissioner Gillespie commented that she will miss both Commissioners Kalinoski and Farren and she knows they will continue working for our community. She wished everyone a “Merry Christmas and Happy Holidays.”

Commissioner Hecker thanked and congratulated Manager Manfredi, Finance Director Barron, Assistant Finance Director Hermann and all of the department heads for their good work on the budget that he was proud to pass earlier this evening. It sets the path forward to maintain fiscal stability in this Township and he is grateful for those efforts.

Also, he thanked Commissioners Farren and Kalinoski for the opportunity to work with them over the past four years. He appreciated their candor and ability to talk about issues as they arise so we can keep focus on what is important and he will miss them in that regard.

He wished everyone a “Merry Christmas, Happy Hanukkah and Happy New Year.”

Commissioner Kalinoski thanked Township staff as they are always here for the Board and that is so great and it has been honor working with them.

He wished everyone a “Merry Christmas and Happy New Year.”

Vice President Kline announced that Washington Lane is now paved and he thanked Tim Clark and Manager Manfredi for their work on it.

He expressed his gratitude to Commissioners Farren and Kalinoski and it has been a pleasure working with them and he prides himself in having open communication with them. He looks forward to continuing that open dialog about Township business as well as continuing friendship with them both.

Commissioner Zappone announced that the Ardsley Community Association Christmas Tree Lighting Ceremony was a huge success with over 500 residents in attendance. Also, this coming Sunday, the Ardsley Community Association will be hosting its 6th Annual Breakfast with Santa to be held at the North Penn VFW from 8-11 a.m. The Ardsley Community Association will be hosting its first Annual New Years Eve Party at the North Penn VFW from 8 p.m. -1 a.m. These events are open to all Township residents.

Also, Commissioner Farren is a “hell of a soccer player,” and Commissioner Kalinoski has always been there since he started the Ardsley Community Association seven years ago, and he thanked Stephen for it.

Commissioner Spiegelman announced that on Saturday, December 23rd, there will be a Blood Drive held at the Abington Fire Company from 9-2 p.m. and signups can be done online.

He said to Commissioner Farren that it has been honor and pleasure to serve with Tom as Tom is a gentleman and a scholar and his thoughtful and analytical nature that he brought to this Board really added a great deal.

He said to Commissioner Kalinoski that Stephen is a man with a very good heart and he wished him well.

He wished everyone a “Happy Hanukkah, Merry Christmas, Joyous Kwanzaa, Happy Solstice, a Wonderful Festivus and a Happy New Year.”

Commissioner Sanchez congratulated Sergeant Joseph Blei on his promotion to the rank of Sergeant tonight.

Also, he thanked everyone who participated in the Thanksgiving Turkey Drive and the Holiday Toy Drive making the holidays better for a lot of people in the community.

He wished everyone a “Happy Holiday.”

He thanked Commissioners Kalinoski and Farren for their service as it is not an easy job and they excelled at it and did a great job. He looks forward to seeing them around town and maintaining our friendships and he wished them all the best.

Commissioner Rothman echoed the sentiments to Commissioners Kalinoski and Farren and he thanked them for their service to the community, and he knows the sacrifices made to their families and thanked them for all of the positive work they have done for the Township.

People are kinder during the holiday season and that should be all year long and that is the spirit he uses in his work as Commissioner and he looks forward to working with the new Commissioners to continue that type of spirit. He wished everyone a “Happy Holiday” season.

Commissioner Myers said last night she, along with Commissioner Luker attended a neighborhood meeting at Willow Grove Park Mall regarding the possible addition of Movie/Grill, which is similar to Movie/Tavern in Flourtown. There were many questions and some concerns expressed by residents and she feels we will be hearing more about this development in the new year. She thanked Commissioner Luker for allowing her to be part of it.

To Commissioner Farren, it has been a pleasure and she wished him the best and it was nice getting to know Tom and she will see him a lot in the future.

To Commissioner Kalinoski, we were friends long before this and we will be friends long after this, and Stephen is in her life.

Commissioner Brodsky said he was also in attendance at the Willow Grove Park Mall meeting and it is an interesting project.

Also, he acknowledged Chief Livingood and Deputy Chief Molloy, who attended an event at Holy Redeemer Hospital celebrating and honoring the Abington Police Department and it was a great event. Chief Livingood was honored there as well as Chief-designate Molloy and he thanked them for their service.

To Commissioners Farren and Kalinoski, he did not have a chance to work with them for very long, but he wished them the best of luck in the future. Commissioner Farren offered him professional guidance and advice and he appreciates it. He thanked Commissioner Kalinoski for his openness in expressing his ideas and thoughts regarding various items that came before the Board.

He wished everyone a “Happy, Healthy, Holiday season, a Happy Hanukkah and Happy New Year.”

Commissioner Schreiber announced that the Roslyn Valley Holiday Celebration event will held this coming Saturday as it is a joint effort between CAPT, the Township and the Roslyn Valley Business Association and Santa will be there along with “Deck the Dogs” event.

Also, Commissioner Farren is also a novelist, who wrote a spy novel and she enjoyed it very much, and it has been nice getting to know Tom over the years.

To Commissioner Kalinoski, we have spent a lot of time on various projects together and we will continue to do that in the future.

She wished everyone a “Happy Holiday.”

President Luker said that Manager Manfredi, Mr. Barron, Ms. Hermann and staff did a fantastic job working diligently on the budget. They made it easy for the Board and it is a wonderful gift for all of us.

He thanked Tim Clark for his tenacious handling of a subcontractor's lackadaisical attitude on a County job that was being done in the Township recently.

He also thanked Angelo Pontelandolfo and his crew for handling a special request on a touchy situation.

To Commissioners Kalinoski and Farren, it has been a pleasure working with them as they are a class act.

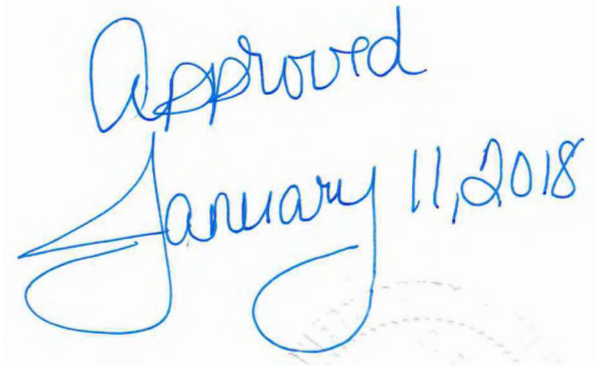
He also thanked Township staff for their hard work all year long.

ADJOURNMENT: 9:58 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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Approved
January 11, 2018