

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, December 13, 2018 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: Commissioners MYERS, BRODSKY, ROTHMAN, DiPLACIDO, SANCHEZ, THOMPSON, SCHREIBER, CARSWELL, SPIEGELMAN, VAHEY, GILLESPIE, ZAPPONE, BOWMAN, KLINE, LUKER

Also Present: Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Chief of Police MOLLOY

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS: None.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS: None.

CONSENT AGENDA:

Vice President Kline noted that business items listed under consent agenda are considered to be routine and not controversial and will be enacted by one motion and one vote. There will be no separate discussion on these items. If discussion is desired by a Board member or Board members, that item will be identified and removed from consent agenda and will be considered separately at the appropriate place on the agenda.

Vice President Kline identified Item c. – ACL-02-121318 – Subdivision Application for lot line change by Harrise Yaron and Jennifer Parke and Ayinke Hipps-Feit and Seth Feit for properties located at 936 Moredon Road and 979 Dale Road, Meadowbrook, PA., to be removed from consent agenda and considered separately.

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve Items a. b. and d. through n. of consent agenda as follows:

To approve the minutes of the Board of Commissioners Special Meeting of October 25, 2018 and November 8, 2018 and the November 8, 2018 Regular Board Meeting.

To transfer \$5,000.00 from Account No. 07-07-566-7523 (Sump Pumps) and Transfer \$5,000.00 from Account No. 07-07-566-7524 to Account No. 07-07-566-7526 (Engineering Study – 1400 block Highland Farms (Edge Hill to Highland between Keith and Rockwell)).

To appoint Campbell Durrant Beatty Palombo & Miller, P.C. as Township Labor Attorney/Employment Counsel at the hourly rates included in Option B of their proposal.

To adopt Ordinance No. 2163 amending 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).

To promote Sergeant Thomas Scott to the rank of Probationary Lieutenant effective December 14, 2018 providing he successfully completes the remaining portions of the promotional process.

To accept a grant award from the Bureau of Highway Safety and Traffic Engineering in the amount of \$120,000.00 with the Township's matching portion approximately \$1,200.00.

To accept the lowest responsible bid from Jack & Jill Ice Cream Company for both Crestmont and Penbryn snack bars for a three-year contract.

To approve investments for the month of October as previously circulated to the Board. It was noted that investments for the month totaled \$225,000.00. Interest rate yield was 2.500%.

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 2018 were \$21,518.70 and (\$2,860.42), respectively. Deferred Revenue/Expense receipts and disbursements for the month of October 2018 were \$23,541.00 and (\$1,110.00), respectively.

To approve the Advance and Travel Expense activity for October 2018 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$2,704.47, respectively. Ten-month expenses totaled \$33,726.70.

To authorize an expenditure from Unallocated Permanent Improvement Fund Balance (Account No. 07-00-000-5999) in the amount of \$45,943.00 (2018 allotment) to be distributed equally (\$9,188.60) among the five volunteer fire companies serving Abington Township.

To authorize the Budget Transfers and supplemental appropriations for the Fiscal Year 2018.

To appropriate \$60,000.00 from Contingency Account No. 01-01-002-5299 for legal fees.

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

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS:

Public Affairs Committee –

Item PA-01-121318:

Commissioner Spiegelman made a MOTION, seconded by Commissioner Myers to approve the installation of a new fire alarm panel system to monitor the sprinkler system at the Crestmont Clubhouse and additional costs as a result of unforeseen soil conditions and Change Order 001.

President Luker asked for any comments from Commissioners or staff.

Vice President Kline commented that he will vote for this item as the contractor should be compensated for the work performed; however, he is disappointed in the process and how certain parts of the approval process were not implemented as early as they should have been.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS:

Administrative Code and Land Use Committee –

Item ACL-02-121318 – listed under Consent Agenda:

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to approve the Subdivision Application for a lot line change by Harrise Yaron and Jennifer Parke and Ayinke Hipps-Feit and Seth Feit for properties located at 936 Moredon Road and 979 Dale Road, Meadowbrook, PA.

President Luker asked for any comments from Commissioners or staff.

Vice President Kline said there was recommendation received from the Planning Commission and an additional comment concerned installation of sidewalks on both Moredon and Dale Roads and that was not the note to be on the plan. The note on the plan should state installation of sidewalks on only Moredon Road and not Dale Road and he wants to be sure that the exact same note is put on the plan.

MOTION was ADOPTED 15-0.

NEW BUSINESS:

Administrative Code and Land Use Committee –

Item ACL-01-121318:

Commissioner Sanchez made a MOTION, seconded by Commissioner Thompson to approve the Mediplex Property Group, LLC Land Development application for the properties located at 1863 and 1865 Guernsey Avenue, 1854 and 1856 Eckard Avenue and 1137, 1141, 1145 and 1151 Old York Road, Abington, PA.

President Luker asked for any comments from Commissioners or staff.

Vice President Kline clarified with the applicant that a verge will be installed as he would like to see a verge for safety reasons.

Robert Linn, Principal of Linn Architects, representing the applicant, replied the applicant has no issue with installing the verge and he agreed to do so.

Commissioner Sanchez added that it was recommended by Township's Planning Commission to include the verge as part of their conditions for recommendation of approval and the motion will be amended to also include the conditions that the applicant must contact SEPTA concerning relocation of bus stop on Old York Road as the goal is to have the bus stop in front of the courtyard.

Kim Freimuth, Fox Rothschild, LLC, Attorney representing applicant, agreed to contact SEPTA about the relocation of bus stop, and if they acquiesce to it, the applicant will comply.

Commissioner Sanchez continued that the Planning Commission's conditions included that crosswalk and connective interior sidewalks are required to be installed from rear parking area to the front entrance of the building.

Ms. Freimuth replied the applicant will comply.

Commissioner Sanchez continued that the applicant must work with Abington Township staff to install traffic calming measures on both Guernsey and Eckard Avenues and work with Township staff to determine a mutually acceptable figure on installing speed humps, speed tables, etc.

Ms. Freimuth replied yes, the applicant is willing to prepare a traffic calming plan that suits the Township and mutually agreed upon contributions towards that traffic calming, but requested that a time limitation be placed on this condition and confirm that it would not hold up the commencement of the project.

Commissioner Sanchez replied six months would be a reasonable time to determine what the plan will be, and if we cannot come to an agreement, the applicant will come back before the Board. Is that correct?

Ms. Freimuth replied that is agreeable from our standpoint.

Commissioner Sanchez added that the traffic calming measures may include signage.

Ms. Freimuth replied that is understood.

Commissioner Sanchez said construction vehicles should enter/exit from Old York Road and not Guernsey and Eckard Avenues.

Mr. Linn agreed.

Commissioner Sanchez said there is also a condition to repaint crosswalks at Guernsey and Eckard along with any signage needed and also signage for crosswalk that crosses Old York Road and the property.

Mr. Linn agreed.

Commissioner Sanchez said there was concern from neighbors about public use of the parking lot after business hours and there will be signage indicating that it is private property.

Mr. Linn agreed.

Commissioner Sanchez made a MOTION to AMEND the MOTION to include conditions as stated as well as approval of waivers requested by the applicant, seconded by Commissioner Spiegelman.

Commissioner Schreiber expressed concern about voting on the traffic calming measure as a condition because it is not clear on what type it will be.

Commissioner Sanchez said if the Board decides eventually to allow speed humps or speed tables then that would be the traffic calming measure the Township would propose to the applicant.

Solicitor Clarke said the Board can instruct the Manager that no traffic calming measures should be implemented before coming back before the Board for review and consideration.

Commissioner Spiegelman said the neighbors made it clear how important it is that there be traffic calming measures although there was no decision on what they prefer, but as long as there is the commitment from the developer, then the Board can move forward.

Commissioner Gillespie noted that she will be abstaining from this vote as she has a conflict of interest.

Commissioner Zappone said the developer held a town meeting with residents and were they were agreeable to the project?

Commissioner Sanchez replied neighbors were involved in the process and their concerns centered on the exacerbation of existing traffic problems in this area as well as the notorious cut-thru on their streets in both directions, and the applicant was diligent in addressing those items.

MOTION to AMEND the MOTION – PASSED 14-0-1. Commissioner Gillespie abstained from voting because she is affiliated with the real estate company that has the property for sale.

MOTION as AMENDED – PASSED 14-0-1. Commissioner Gillespie abstained from voting because she is affiliated with the real estate company that has the property for sale.

Public Affairs Committee –

Item PA-03-121318:

Commissioner Spiegelman made a MOTION, seconded by Commissioner Schreiber to approve the Penn State University and Abington School District real estate assessment appeal settlement agreement.

President Luker asked for any comments from Commissioners or staff.

Vice President Kline asked for further explanation and noted public comment should be taken since it was not discussed in committee last week.

Manager Manfredi said this has been an ongoing issue and a memorandum came to Township Administration after committee meetings were held on December 7, 2018. The School District would like to have this resolved prior to the next Board meeting in January, which is why this has been brought before the Board tonight.

The question before the Board is whether they want to concur with negotiated settlement with respect to the amount of taxes reimbursed to Penn State University.

Solicitor Clarke added that there are two properties: 1001 Old York Road and 1095 Rydal Road in which Penn State paid their full property taxes on those properties in 2017 and 2018 and subsequently filed an exemption for 2019 and that was granted. They then filed an appeal for refund on taxes for 2017 and 2018 as they are exempt. The only legal issue is that if they timely filed the appeal they would be exempt and the Township would be returning approximately \$90,000 for 2017 and \$70,000 for 2018, but they filed their appeal late and now they have filed a motion with a judge of Montgomery County Court asking permission to move forward with their appeal.

It has been negotiated by the attorney representing the School District and the attorney representing Penn State of a compromise that removes the risk of a judge ruling against the Township and removes the risk of a judge ruling against Penn State and to only seek return of 2018 taxes and the Township will keep the 2017 taxes.

Moving forward, Penn State is exempt on 1001 Old York Road and 1095 Rydal Road properties; however, since they do use it as rental property, only a portion of those real estate taxes on those rental properties can be collected. They are not fully exempt because they do not use those properties entirely for educational purposes. Recommendation is to accept settlement negotiated by School District's attorney.

Commissioner Sanchez asked for clarification on the scholarship item listed in the memorandum.

Solicitor Clarke replied we contacted the attorney representing the School District to get a clarification on that issue today; however, we were unable to reach her. We reviewed the prior agreement and there was the scholarship piece as part of the original payment in-lieu-of taxes. It appears that there is a new and separate scholarship offer on behalf of Penn State and not just a reiteration negotiated several years ago, so to the best of our understanding, it is an additional \$30,000 scholarship.

Commissioner Spiegelman questioned whether this settlement is the best thing to do than what the Township would get if we "roll the dice."

Solicitor Clarke replied both sides are hedging that a judge could rule against either side. Negotiations between Penn State, School District and the Township have been ongoing for some time and it has only been in the last five days that an agreement has been reached. There is a timeframe because there is the possibility that the judge will rule on their appeal prior to the next Board meeting in January.

If the appeal goes forward, the Township loses because they are exempt, and technically, the Township is not entitled to this money because they are tax exempt. They paid it and then appealed because they were not declared exempt at that point in time, and the law is until you are declared tax exempt, you are required to pay your taxes.

Commissioner Vahey said the memo does not note the amount of taxes prior owner of the 1095 Rydal property was paying to the Township.

Solicitor Clarke replied he does not have that information at this time.

Commissioner Vahey asked for that information by the next Finance meeting.

Commissioner Brodsky asked how late was the School District's appeal?

Solicitor Clarke replied two days.

Commissioner Myers said if this is approved would Penn State be subject to any payment in-lieu-of taxes.

Solicitor Clarke replied no. It was negotiated a few years ago in regards to contributions they make to the Township, but Penn State does not like the term "payment in-lieu-of taxes" because they have campuses throughout the Commonwealth and different agreements with every municipality.

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that she feels they should have followed specific law about the deadline.

Marc Bozzacco, 103 Edge Hill Road, commented that he does not see why there is a "scare" on possibly losing a case if there have been other cases similar to this one setting precedent, and has that been studied?

Solicitor Clarke replied that finding other case law would not provide any indication on a ruling because facts and circumstances on all these cases are different and it falls on the discretion of the judge and that is why the recommendation is being made by both attorneys.

Manager Manfredi added that this settlement agreement is specific to assessment of property taxes and has no bearing whatsoever on the agreement enacted by the Board of Commissioners and Penn State on June 24, 2016, and that agreement states that Penn State agrees to provide \$30,000 in annual scholarships to be awarded to Township residents at the discretion of the university and administered by the university.

Commissioner Bowman commented that the settlement agreement makes sense for the Township and he appreciates Township Solicitor's advice and urged his fellow Board members to endorse the settlement agreement.

MOTION was ADOPTED 15-0.

Finance Committee –

Township Treasurer's Report:

Township Treasurer Jay W. Blumenthal reported that there was an increase in monies received from various departments for November 2018 of \$791,598 over prior year. 93% of real estate taxes have been collected with 7% remaining.

Item FC-02-112018:

Vice President Kline made a MOTION, seconded by Commissioner Sanchez to approve the October expenditures, as previously circulated to the Board in the amount of \$1,718,118.76 and salaries and wages in the amount of \$1,854,466.65, and authorize proper officials to sign vouchers in payment of bills and contracts as they mature through the month of January 2019.

Roll call resulted in motion being passed 14-0. Commissioner Rothman was absent during roll call as he stepped out of the boardroom for a brief period.

Pension Committee –

Item PENS-01-112018:

Vice President Kline made a MOTION, seconded by Commissioner Sanchez to approve Resolution No. 18-048 – amending Police Pension Plan Document Pertaining to Member Contributions.

President Luker asked for any comments from Commissioners or staff.

Commissioner Vahey questioned whether this needs to be renewed every year.

Vice President Kline replied yes, that is part of the police contract.

MOTION was ADOPTED 14-0. Commissioner Rothman was absent during the vote as he stepped out of the boardroom for a brief period.

PUBLIC COMMENT:

Lora Lehmann, 1431 Bryant Lane, expressed concern about the amount of time to speak on agenda items. Also, she asked for the location of the signs to be part of the motion on traffic regulations.

REMARKS OF COMMISSIONERS:

Commissioner Bowman wished everyone “Happy Holidays and Merry Christmas!” He also wished “Good Luck” to Commissioner Sanchez in Harrisburg.

Commissioner Zappone announced that the Ardsley Community Association has two remaining events in 2018. This Sunday will be our 6th Annual Breakfast with Santa at the VFW Post 676 on Jenkintown Road from 9-noon. Our 2nd Annual New Year’s Eve Party will be held at the same VFW from 8 p.m. – 1 a.m. Both events are open to all Abington residents.

Commissioner Gillespie wished everyone a “Merry Christmas!”

Commissioner Spiegelman announced that Township calendars are in the mail. He wished everyone a “Merry Christmas, Happy Solstice, Happy New Year and all the best for the holiday season!”

Commissioner Schreiber thanked everyone who worked on the Roslyn Holiday Block Party especially Mr. Ed Micciolo. She wished everyone a “Happy Holiday!”

Commissioner Myers wished everyone “Happy Holidays and Merry Christmas!”

Commissioner Rothman announced that this coming Saturday at the McKinley Fire House will be the Holiday Party from 4-6 p.m. with Santa arriving at 5 p.m. He wished everyone a “Happy Holiday and Happy New Year!”

Commissioner DiPlacido commented that in addition to the McKinley Holiday Party, there will be collection of unwrapped gifts and gift cards for families in need in the McKinley area. Also, as always, “when driving through Abington Township, drive like your kids live here.” He wished everyone a “Merry Christmas!”

Commissioner Sanchez wished everyone a “Joyous and Happy Holiday Season!”

Commissioner Thompson thanked staff of Parks and Recreation Department for replacement trees planted in Dougherty playground. He also thanked staff of Public Works Department for picking up leaves yesterday. He wished everyone "Happy Holidays!"

ADJOURNMENT: 8:30 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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Ordinance and Resolution adopted by the Board of Commissioners on December 13, 2018 were as follows:

Ordinance No. 2163
Resolution No. 18-048

Approved 1.10.19

A faint circular seal is visible in the lower right quadrant of the page. The seal contains text around its perimeter, which is mostly illegible due to fading. The text appears to include "TOWNSHIP OF ..." and "1833".

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2163

**AN ORDINANCE AMENDING
CHAPTER 156 – “VEHICLES AND TRAFFIC,”
ARTICLE II – “TRAFFIC REGULATIONS,”
SECTION 14 – “STOP INTERSECTIONS”; AND
ARTICLE III – “PARKING REGULATIONS”
SECTIONS 25 – “PARKING PROHIBITED AT ALL TIMES; NO PARKING BETWEEN
SIGNS; NO PARKING HERE TO CORNER”**

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 traffic and parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington shall be amended at 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,” 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:

1. The Code of the Township of Abington is amended at Chapter 156 - “Vehicles and Traffic,” Article II – “Traffic Regulations,” at Section 14 – “Stop Intersections,” to **add** the following restrictions:

Name of Highway	Side	Location
Zane Avenue	All Way	at Shelmire Avenue
Rosemore Avenue	All Way	at Roberts Avenue
Osbourne Avenue	All Way	at Rossiter Avenue
Roberts Avenue	All Way	at Ardsley Avenue

2. The Code of the Township of Abington is amended at Chapter 156 - “Vehicles and Traffic.” Article III – “Parking Regulations,” at Section 25 – “Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner,” to **add** the following restrictions:

No Parking Here to Corner	Side	Location
Woodrow Avenue	North	30 ft. West of Harrison
Garden Road	East	30 ft. South of Charles Street

3. The Code of the Township of Abington is amended at Chapter 156 - “Vehicles and Traffic.” Article III – “Parking Regulations,” at Section 25 – “Parking Prohibited AT All

Times; No Parking Between Signs; No Parking Here to Corner," shall be amended to

repeal the following restrictions:

No Parking Sign	Side	Location
Hilldale Avenue	South	From the Stop sign at Easton Road to a point just west of the service walk beyond the driveway to the apartments.

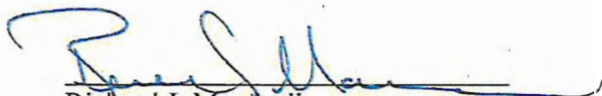
4. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.

5. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 13th day of December, 2018.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:


Richard J. Manfredi,
Township Manager & Secretary

By:


Wayne C. Luker, President

RESOLUTION NO. 18-048

**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, 2019;

NOW, THEREFORE, BE IT RESOLVED, this 13th day of December, 2018, 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 2019 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,
Township Manager & Secretary