



# TOWNSHIP OF ABINGTON

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## *PUBLIC AFFAIRS COMMITTEE*

*John Spiegelman, Chair  
Tom Bowman, Vice-Chair  
Lori Schreiber  
Jimmy DiPlacido  
Peggy Myers*

### **A G E N D A** **September 4, 2019** **7:00 P.M.**

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1. CALL TO ORDER
2. ROLL CALL
3. CONSIDER APPROVAL OF MINUTES
  - a. Motion to approve Committee Meeting minutes of June 5, 2019

4. PRESENTATION

5. UNFINISHED BUSINESS

6. NEW BUSINESS

**PUBLIC AFFAIRS COMMITTEE** *COMMISSIONER JOHN SPIEGELMAN, CHAIR*

- a. **PA-01-091219** Consider authorizing advertisement for members to be appointed to the Board of Code Appeals.
  - b. **PA-02-091219** Authorize advertisement of Ordinance 2169, Economic Development Corporation, and approve the rate schedule for Obermayer Rebmann Maxwell & Hippel LLP for legal services as attached.
7. PUBLIC COMMENT
  8. ADJOURNMENT

\*Note: The Anti - Discrimination Ordinance 2168, is scheduled for adoption at the September 12, 2019 Board of Commissioners meeting.



***PUBLIC AFFAIRS COMMITTEE***

***AGENDA ITEM***

August 26, 2019

*DATE*

Engineering and Code

*DEPARTMENT*

PA-01-091219

*AGENDA ITEM NUMBER*

**FISCAL IMPACT**

Cost > \$10,000.

Yes

No

**PUBLIC BID REQUIRED**

Cost > \$20,100

Yes

No

***AGENDA ITEM:***

Board of Code Appeals

***EXECUTIVE SUMMARY:***

Board of Commissioners to appoint five members and two alternate members to The Board of Code Appeals to prepare for a potential appeal.

***PREVIOUS BOARD ACTIONS:***

September 13, 2018 Board of Commissioners approved Ordinance No. 2160.

***RECOMMENDED BOARD ACTION:***

Consider authorizing advertisement for members to be appointed to the Board of Code Appeals.

To adopt Ordinance No. 2160 repealing Chapter 62 – “Building Construction,” Article I – “General Standards,” Section 2 – “Amendments,” at Subsection G; and creating and enacting Chapter 7 – “Board of Code Appeals,” including Exhibit A, Chapter 7.

To approve the application for a grant for the Ardsley Wildlife Sanctuary Basin Retrofit and Stream Restoration in the amount of \$161,752.50.

To adopt Ordinance No. 2159 amending Chapter 156 “Vehicles and Traffic” Article II “Traffic Regulations” Section 10 – “U-Turns,” and 14 – “Stop Intersections;” and Article III “Parking Regulations” Section 25 “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here to Corner; and Section 28 – “Special Purpose Parking Zones.”

To approve Resolution No. 18-040, a resolution of the Township of Abington, County of Montgomery, Commonwealth of Pennsylvania, to submit a proposal for continued funding of our Sobriety Checkpoint Program.

To adopt Resolution No. 18-041 to approve the Walk Park Train Report. This final report is the result of the Transportation and Community Development Initiative (TCDI) grant from Delaware Valley Regional Planning Commission (DVRPC), which the Township was awarded in 2016. This report supports the Township’s Master Bike Plan.

To recommend the transfer of \$12,000.00 from the contingency fund to repair the surface of the Ardsley tennis courts.

To approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of July as previously circulated to the Board. Clearing fund receipts and disbursements for the month of July 2018 were \$18,960.21 and (\$2,824.82), respectively. Deferred Revenue/Expense receipts and disbursements for the month of July 2018 were \$0.00 and (\$139.15), respectively.

To approve the Advance and Travel Expense activity for July 2018 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$2,828.17, respectively. Seven-month expenses totaled \$25,191.97.

To authorize up to \$30,000.00 to be expensed from 2018 Contingency Expense Account No. 01-01-002-5299 for the removal and/or maintenance of trees on Township-owned properties.

MOTION was ADOPTED 15-0.

**UNFINISHED BUSINESS:** None.

**TOWNSHIP OF ABINGTON,  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2160**

**AN ORDINANCE REPEALING CHAPTER 62— “BUILDING CONSTRUCTION,”  
ARTICLE I— “GENERAL STANDARDS,” SECTION 2 – “AMENDMENTS,” AT  
SUBSECTION G; AND CREATING AND ENACTING CHAPTER 7— “BOARD OF  
CODE APPEALS”**

**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**, 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 Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington should be amended at Chapter 62 – “Building Construction,” Article I – “General Standards,” Section 2 – “Amendments,” Subsection G, regarding an amendment to Section 121.1 of the BOCA Basic/National Building Code, 1996, Thirteenth Edition should be repealed for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

**WHEREAS**, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington should be further amended to create Chapter 7— “Board of Code Appeals” 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 Ordinance of the Township of Abington shall be amended Chapter 62 – “Building Construction,” Article I – “General Standards,” Section 2 “Amendments” to repeal Subsection G thereto in its entirety.
2. The Code of Ordinances of the Township of Abington shall be further amended to create and enact Chapter 7— “Board of Code Appeals,” which shall read as set forth in Exhibit “A” hereto.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with
4. this Ordinance are hereby repealed.
5. This Ordinance shall become effective five (5) days after enactment.

**ORDAINED AND ENACTED** this 13<sup>th</sup> day of September, 2018.

TOWNSHIP OF ABINGTON  
BOARD OF COMMISSIONERS

Attest:



Richard J. Manfredi,  
Township Manager and Secretary

By:   
Wayne C. Luker, President

## **Exhibit "A"**

### **Chapter 7 – Board of Code Appeals**

#### **Section 1 - Establishment**

The Township of Abington hereby establishes the Township of Abington Board of Code Appeals, which shall operate on behalf of the Township in conformity with the requirements of the relevant provisions of the Uniform Construction Code, as amended from time to time, and for the purposes set forth herein, including but not limited to interpreting provisions of the code. If at any time, enforcement and administration of the code is undertaken jointly with one or more other municipalities, the Board of Code Appeals shall be established by joint action of the participating municipalities.

#### **Section 2 - Membership of Board**

A. Qualifications. The Board of Code Appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional with architectural experience or a builder or superintendent of building construction with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering experience.
3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience or an electrical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.

A. Initial appointment. The initial appointment of members of the Board of Code Appeals shall be for a term of office to commence upon appointment of the Board of Commissioners, on the following staggered basis wherein the term of membership shall expire on the first Monday of January in the year indicated as follows:

1. One member to be appointed for a term expiring in the year of 2020.
2. One member to be appointed for a term expiring in the year of 2021.
3. One member to be appointed for a term expiring in the year of 2022.
4. One member to be appointed for a term expiring in the year of 2023.
5. One member to be appointed for a term expiring in the year of 2024.

- B. Replacement of Board of Code Appeals appointees. Upon the expiration of the respective terms of membership of the initial appointees, including any substitutions of members by reason of vacancy, each of the subsequent terms of membership commencing on the respective expiration dates aforesaid shall be for a term of five years.
- C. Code Official. The building official shall be an ex officio member of the Board of Code Appeals but shall have no vote on any matter before the board.
- D. Alternate Members. The Board of Commissioners shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

### **Section 3 – Conduct of Board of Code Appeals Meetings**

- A. Rules and Procedures. The Board of Code Appeals is authorized to establish policies and procedures necessary to carry out its duties.
- B. Chairperson. The Board of Code Appeals shall annually select one of its members to serve as chairperson.
- C. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- D. Secretary. The Township Manager shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Township Manager
- E. Notice of Meeting. The Board of Code Appeals shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

### **Section 4 - Hearings**

- A. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.
- B. Procedure. The Board of Code Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- C. Postponed Hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- D. Board Decision. The Board of Code Appeals shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.

E. Resolution. The decision of the Board of Code Appeals shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

**Section 4 - Compensation**

The members of the Board of Code Appeals shall serve without compensation.

**Section 5 - Administration**

The building official shall take immediate action in accordance with the decision of the Board of Code Appeals.





***PUBLIC AFFAIRS COMMITTEE***

***AGENDA ITEM***

August 26, 2019

*DATE*

Administration

*DEPARTMENT*

PA-02-091219

*AGENDA ITEM NUMBER*

**FISCAL IMPACT**

Cost > \$10,000.

Yes

No

**PUBLIC BID REQUIRED**

Cost > \$20,100

Yes

No

***AGENDA ITEM:***

Advertise Ordinance 2169 Economic Development Corporation and approve the rate schedule for Obermayer Rebmann Maxwell & Hippel LLP for legal services.

***EXECUTIVE SUMMARY:***

***PREVIOUS BOARD ACTIONS:***

***RECOMMENDED BOARD ACTION:***

Authorize advertisement of Ordinance 2169 Economic Development Corporation and approve the rate schedule for Obermayer Rebmann Maxwell & Hippel LLP for legal services as attached.

**TOWNSHIP OF ABINGTON**  
**MONTGOMERY COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2169**  
**AN ORDINANCE CREATING**  
**THE ABINGTON TOWNSHIP**  
**ECONOMIC DEVELOPMENT CORPORATION**

**WHEREAS**, the Township of Abington is a Township of the First Class under the provisions of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. § 56101, *et seq.*, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to Section 56552 of the First Class Township Code of the Commonwealth of Pennsylvania, the Board of Commissioners has the authority to make and adopt all such ordinances, by-laws, rules and regulations, which are not inconsistent with or restrained by the Constitution and laws of the Commonwealth of Pennsylvania, as may be deemed expedient or necessary for the proper management, care and control of Abington Township and its finances and the maintenance of peace, good government and welfare of Abington Township and its trade, commerce and manufactures; and

**WHEREAS**, pursuant to Section 56567 of the First Class Township Code of the Commonwealth of Pennsylvania, the Board of Commissioners has the authority to undertake community development programs, including, but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects; and

**WHEREAS**, the Board of Commissioners of Abington Township deems it most beneficial to Abington Township and its residents to accomplish the foregoing by creating and cooperating with the Economic Development Corporation, a non-profit corporation dedicated to the acquisition, remediation, remodel, repair, and redevelopment of blighted properties located within Abington Township's geographic limits, with the goal of putting such properties back on the tax rolls and utilizing said properties in accordance with their highest and best uses, as well as cultivating, developing and encouraging economic development within the same; and

**WHEREAS**, the Board of Commissioners deems it most beneficial to Abington Township and its residents that the Economic Development Corporation qualify as a government instrumentality as defined by Section 115 of the Internal Revenue Code of 1986, as amended;

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

1. The Economic Development Corporation shall be created as a Pennsylvania non-profit corporation and as a government instrumentality as defined by Section 115 of the Internal Revenue Code of 1986, and the governing documents of the Economic Development Corporation shall provide all appropriate powers necessary for the Economic Development Corporation to exercise certain essential governmental functions to serve the interests of the residents of Abington Township as well as the community and economic interests of the same and to perform the responsibilities outlined herein above.

2. The Articles of Incorporation of the Abington Township Economic Development Corporation, attached hereto as Exhibit "A," are hereby adopted and approved by Abington Township, and all appropriate action shall be taken to adopt, deliver and file such Articles of Incorporation with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau.

3. The By-Laws of the Abington Township Economic Development Corporation, attached hereto as Exhibit "B," are hereby adopted and approved by the Township, and all appropriate action shall be taken with regard to the adoption and execution of the same.

4. The Board of Commissioners is authorized and directed to take any and all actions necessary to create, form and operate the Economic Development Corporation and to make, execute, deliver and file all documents on behalf of the Economic Development Corporation , any and all action and documents as may be necessary to establish and operate the Economic Development Corporation.

5. The Board of Commissioners is also authorized and permitted to amend the By-Laws of the Economic Development Corporation, from time-to-time, as determined by the Board of Commissioners through resolution rather than ordinance.

6. Wayne C. Luker, President of the Board of Commissioners, is hereby authorized and directed to execute, deliver and file, on behalf of Abington Township as incorporator, the Articles of Incorporation of the Abington Township Economic Development Corporation in the form attached hereto as Exhibit "A".

7. All ordinances or parts of ordinances, or any section of the Code that are inconsistent with this Ordinance shall be, and hereby are, repealed to the extent of such inconsistencies.

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

*[Remainder of Page Intentionally Blank; Signature Page Immediately Follows]*

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**TOWNSHIP OF ABINGTON  
BOARD OF COMMISSIONERS**

**Attest:**

\_\_\_\_\_  
**Richard J. Manfredi,  
Township Manager & Secretary**

**By:** \_\_\_\_\_  
**Wayne C. Luker, President**

**EXHIBIT "A"**  
**ARTICLES OF INCORPORATION**

**EXHIBIT "B"**  
**BY-LAWS**

**David A. Nasatir, Esquire**  
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E-mail: david.nasatir@obermayer.com

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F 215-665-3165  
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August 28, 2019

**VIA ELECTRONIC MAIL**

Richard Manfredi  
Township Manager  
Abington Township  
1176 Old York Road  
Abington, PA 19001

**RE: Rate Schedule for legal services/  
Including creation of possible Economic Development Corporation**

Dear Rich:

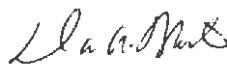
The hourly rates for the attorneys and paralegal involved to complete the consideration and incorporation of an economic development corporation for Abington would maintain a blended rate of \$345 per hour for both partners and associates. Paralegals will be billed at \$150 per hour. As previously disclosed this is our lowest, public sector blended rate which is only offered to some of our best township clients. Due to our longstanding relationship, I was able to get it approved by our Managing Partner.

I anticipate the following attorneys working in the matter are as follows:

Dave Nasatir (Business partner)  
Pauline Markey (Tax partner)  
Michael Thom (business associate)  
Annette Talerico (Business paralegal)

Thanks again for your and the Township's confidence in our efforts and guidance. Call should you have any questions.

Thank you,



David A. Nasatir

DAN/bnb