

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, November 14, 2019 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, WINEGRAD, THOMPSON, SCHREIBER, CARSWELL, SPIEGELMAN, VAHEY, GILLESPIE, ZAPPONE, BOWMAN, KLINE, LUKER

Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Finance Director HERMANN
Director of Engineering/Code MONTGOMERY
Township Treasurer BLUMENTHAL

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS: None.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

President Luker announced that since there were no committee meetings held in November public comment will be taken after each agenda item.

CONSENT AGENDA:

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve Items a. – d. as listed on Consent Agenda as follows:

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

President Luker asked for any public comments.

Natalie Sherstyuk, 1165 Delene Road, asked for her comments made at the last meeting to be put into the minutes in its entirety.

Lora Lehmann, 1431 Bryant Lane, expressed concern about the consent agenda process.

There was discussion between Vice President Kline and Solicitor Clarke in regards to the appropriateness of public comments in the minutes as well as the consent agenda process.

Consent Agenda Items a.-d. as follows:

To approve the Minutes of the Board of Commissioners October 10, 2019 Regular Meeting.

To approve investments for the month of September 2019. It was noted that investments for the month totaled \$2,727,000.00. Interest rate yields ranged from 1.75% to 1.85%.

To approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of September. Clearing fund receipts and disbursements for the month of September 2019 were \$1,954.41 and (\$14,827.15), respectively. Deferred Revenue/Expense receipts and disbursements for the month of September 2019 were \$411,841.77 and (\$389,841.77), respectively.

To approve the Advance and Travel Expense activity for September 2019. Advance and Travel Expense reports were \$0.00 and \$6,504.62, respectively. Nine-month expenses totaled \$43,559.21.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works Committee –

Item PW-01-111419:

Commissioner Rothman made a MOTION, seconded by Vice President Kline to adopt Resolution No. 19-027, The Commonwealth of Pennsylvania Department of Transportation Agility Agreement.

President Luker asked for any comments from Commissioners or staff.

Commissioner Myers asked for an example of where and how this would work.

Mike Jones, Highway Superintendent, explained that in order to have shared resources with PennDOT, this resolution needs to be adopted. Moreland Road is partly owned by PennDOT and Abington and the agreement is that we will mill and pave the road and PennDOT pays for materials.

Commissioner Vahey clarified that Township plowing is reimbursed. Is that correct?

Mr. Jones replied yes, but that is not under the agility program.

Commissioner Schreiber clarified that this is a new agreement for this year. Is that correct?

Mr. Jones replied yes, it is new for this year.

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked is this for one project?

Manager Manfredi replied yes, in this particular case it is one project.

MOTION was ADOPTED 15-0.

Item PW-02-111419:

Commissioner Rothman made a MOTION, seconded by Commissioner Schreiber to authorize the Maple Avenue Detention Basin Project at a total project cost of \$151,000, including engineering and construction with funding from the Fiscal Year 2019 Fund Balance.

President Luker asked for any comments from Commissioners or staff.

Ms. Amy Montgomery, Director of Engineering/Code, said this location was evaluated for potential detention basin behind 1065 Maple Avenue in which this property experiences severe stormwater runoff from Township-owned property. Consultant indicated that an engineered plan as well as construction of a basin in Ardsley Wildlife Sanctuary would cost approximately \$51,000 for engineering and approximately \$100,000 for construction. Construction would be done by in-house construction services group and this project would provide MS4 benefits to Township's program.

Commissioner Zappone said since 1996 and 2001, his ward has been flood-prone to the point there was loss of residents. Maple Avenue is horrendous as stormwater coming from Township-owned property floods out this resident's basement, and he thanked Township staff for their help.

Vice President Kline questioned whether this is a reallocation of funds or are funds being taken from fund balance. Also, will this project be done this year?

Manager Manfredi replied funds would come from fund balance.

Ms. Montgomery added that this project will not be done this year.

Vice President Kline questioned why this project is not in the budget for next year.

Manager Manfredi replied engineering will begin this year, so it will be a 2019 project.

Commissioner Rothman commented that he had previously discussed with Finance Committee of a project in his ward, so what would happen if this was turned down, but the Township still helps the resident by putting it in the budget next year?

Manager Manfredi replied mitigation circumstances of the condition of the resident's home from water coming from Township-owned property as well as this project benefiting the entire area warranted moving forward immediately.

Commissioner Rothman said he strongly objected to the approach taken by the Finance Committee in rejecting his request, so maybe that process should be changed and discussed sometime in the future. Also, he will be voting in favor of this because the resident deserves it.

Commissioner Zappone clarified that water is coming from Abington Township-owned property destroying this resident's house.

Commissioner Spiegelman asked for the construction schedule in completing the project.

Ms. Montgomery replied it would be put on next year's schedule to be done by construction services group.

Commissioner Winegrad suggested funding engineering plans and remainder put in next year's budget.

Manager Manfredi said we felt we should move more quickly due to the severity of the flooding to the resident's home especially the engineering.

Commissioner Winegrad said he is not questioning the need for the resident. It is a matter of fund balance policy, and he is hesitant to take funds now for any project when we could divert funds from 2020 budget into this project.

Manager Manfredi replied this is at the discretion of the Board.

Commissioner Schreiber questioned whether grant funds have been looked into and also whether there are any funds leftover from other projects.

Ms. Montgomery replied there are grant opportunities that open periodically throughout the year so we could have engineered plans and then look for grants.

Commissioner Gillespie asked for the total amount of fund balance.

Manager Manfredi replied approximately \$11 million in general and \$5 million in capital.

Commissioner Gillespie said she considers this an emergency. There is \$11 million dollars in the fund balance and it would be sad not to approve it.

Commissioner DiPlacido agreed with Commissioner Gillespie in that we have this fund balance for emergencies and this is an emergency and that is what we dip into it for.

Commissioner Spiegelman said in good conscience he cannot vote against it, so he will be voting in favor of the funding to support this project.

Commissioner Myers said for those who are hesitant, she does not know who has lived through heavy rains and what it can do to constituents in flood-prone areas and this resident experiences stress with every rain. This is exactly what we are here for and what we should be doing. There was a budget workshop last night and there are areas to work on, but this is not one of them.

Commissioner Brodsky questioned how long this resident has lived at this property; was it built on a floodplain, and if so, were FEMA flood maps checked prior to construction of the home?

Ms. Montgomery replied she does not know how long the resident has lived there, but it is not on a floodplain.

Commissioner Thompson questioned whether any part of Ardsley is located in a floodplain.

Ms. Montgomery replied she thinks so.

Commissioner Thompson said flooding is problem in Ardsley and this is an urgent need that the Board needs to support.

Commissioner Winegrad said he feels this project is worth doing; however, the question is how we pay for it. He suggested instead of from fund balance, take it from next year's budget and reallocate to help this resident.

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, thanked those who spoke about helping this resident.

Natalie Sherstyuk, 1165 Delene Road, expressed concern about budget consideration of \$100,000 for a study for a new township building and revamping the entire complex including fire station.

Nick Scrivani, 1065 Maple Road, thanked Commissioner Zappone, Manager Manfredi and Ms. Montgomery who have been topnotch in helping him get this resolved. He moved into the home about a year ago and had issues with flooding during torrential downpours in the spring, and he provided photos.

MOTION was ADOPTED 15-0.

Administrative Code & Land Use –

Item ACL-01-111419:

Commissioner Brodsky made a MOTION, seconded by Commissioner Gillespie to approve the Minor Subdivision Application of Willow Grove, PA Retail, LLC for the property located at 2620 Moreland Road.

President Luker called on the applicant.

Mr. Craig Robert Lewis, Esquire, Kaplin/Stewart, 910 Harvest Drive, Suite 200, PO Box 3037, Blue Bell, PA., 19422, representing the applicant Willow Grove, PA Retail, LLC, said that his client is the owner of property located at 2620 West Moreland Road immediately adjacent to Willow Grove Park Mall, the former K-Mart site that is now occupied by At Home Store.

In June, applicant's engineer submitted application seeking financial subdivision, and following discussion with Township's Zoning Officer and Solicitor, the application is being processed as a minor subdivision in accordance with Section 1109. Property is 9.5 acres located in the BC District and lawfully nonconforming to regulations as it is mostly impervious surface including various setbacks.

Proposal is to take the parking field closest to Moreland Road and create a lot to market it. No improvements are proposed at this time as there is no tenant. Applicant appeared before the Planning Commission who recommended approval of the application. County Planner recommended installing crosswalks at the entrance points along Moreland Road, which are shown on revised plan and we will comply. Applicant will also comply with comments made by the Planning Commission.

President Luker asked for any comments from Commissioners or staff.

Commissioner Thompson clarified that the applicant proposes to subdivide the lot and still retain ownership. Is that correct?

Mr. Lewis replied yes, although it could be financed or sold if tenant wishes to purchase it.

Vice President Kline clarified that this was looked at from zoning compliance in that setbacks of existing building are up against rear property line that would be created by Lot 2. Is that correct?

Solicitor Clarke yes, the setback issue took some time to review, and because of cross easement agreements and parking agreements, the setback is permitted per code. Under that provision, applicant shall provide proper easement agreements and proper cross parking easement agreements so the applicant is permitted to get relief with respect to the setback on the portion of the building, and that is consistent with code.

Mr. Lewis said it is being looked at as a financial subdivision; however, we are also being asked to look at it as a typical subdivision code requirement and how it might apply. It was agreed that that this proposed subdivision does not cause additional violation of the zoning code.

Vice President Kline questioned whether this is a financial subdivision within the lot lines or is it an actual piece of ground being subdivided for future, separate ownership.

Mr. Lewis replied a financial subdivision allows it to be financed separately/sold off.

Solicitor Clarke added that there was discussion between his office, Mr. Kaplan and Mr. Penecale over the span of multiple weeks, and in reviewing the code, and that the property will have cross easements and shared parking agreements that will run with the land, it is permissible to have this limited setback.

Commissioner Spiegelman clarified that the applicant will comply with Township Planning Commission's recommendation of providing additional green space.

Mr. Lewis replied we have begun to add greenery to Lot 1 where At Home is located. The Planning Commission indicated they would like to see more green of the overall lot, and Lot 2 will have green space once we know who the tenant will be.

Commissioner Gillespie asked about additional green space having water quality feature.

Mr. Lewis replied we will add green space with water quality features such as a rain garden.

Ms. Montgomery noted the applicant is requesting a number of waivers:

Section 146-11.A – Property Identification Plan
Section 146-11.B – Existing Features Plan
Section 146.-11.C – Proposed Layout Plan
Section 146.-11.D – Grading Plan
Section 146.-11.L – Architectural Plan

Mr. Lewis noted that the Planning Commission requested that the applicant provide an Alta survey plan in-lieu-of existing features plan and we will comply.

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked to be able to speak at the end of each committee tonight.

MOTION was ADOPTED 15-0.

Public Safety Committee –

Item PS-01-111419:

Commissioner Schreiber made a MOTION, seconded by Commissioner DiPlacido to advertise Ordinance No. 2170, amending Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 9.2 “No Left Turn,” Section 11 – “Turns at Intersections,” 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; Parking Prohibited Except Certain Hours; No Stopping or Standing,” Section 28 – “Special Purpose Parking Zones” to add “No Left Turn” sign on Canterbury Road and Old York Road; add “Stop” Intersections on Bryant Lane, Gregory Road and Sherwood Avenue; add “No Parking Here To Corner” signs on Prospect Avenue and Elm Avenue; add “No Parking” signs on Lamott Avenue and Madison Avenue; add “Handicapped Parking” sign in front of 2317 Tague Avenue; add “War Memorial Parking Only-All Others Will Be Towed At The Owner’s Expense” on Old York Road; remove “Handicapped Parking” sign in front of 822 Edge Hill Road.

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

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked for the location of the “Stop” sign on Bryant Lane and whether it was requested by residents; also, if a study was done.

Vice President Kline replied it will be a Four-Way Stop Intersection at Bryant Lane at Moredon Road and it was requested by residents.

President Luker suggested that the resident present the question about a study at the next public safety meeting.

Natalie Sherstyuk, 1165 Delene Road, questioned whether any research was done prior to posting “Stop” signs.

Rich Flanagan, 323 Shady Lane, asked about “Stop” signs for Shady Lane.

Vice President Kline replied the process starts with contacting your Commissioner.

Manager Manfredi noted that all items listed in the ordinance were properly reviewed and vetted through Traffic Safety Division and Commissioner Schreiber and were recommended for approval.

Lt. Chris Porter, Administrative Division Commander/Oversight of Traffic Safety Division, said there was discussion, review over three months about “Stop” signs on Bryant Lane and that intersection meets PennDOT warrants per study conducted twice by Traffic Safety Division.

MOTION was ADOPTED 15-0.

Item PS-02-111419:

Commissioner Schreiber made a MOTION, seconded by Commissioner Spiegelman to approve the Memorandum of Understanding between Abington Township and the Abington Fire Company Relief Association.

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

President Luker asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

Item PS-03-111419:

Commissioner Schreiber made a MOTION, seconded by Commissioner DiPlacido to elect the Township to remain in the Negotiation Class, which will negotiate class-wide opioid settlements with defendants who make, distribute or sell opioids nationwide and to authorize the Township Manager to be a voting member on behalf of the Township.

President Luker asked for any comments from Commissioners or staff.

Commissioner Vahey asked is there a class that we are opting out of to get into the negotiation class.

Solicitor Clarke replied all of the individual litigation against opioid manufacturers around the country is being consolidated and there is a negotiation class, which means any potential settlement that may come from it will be settled across all states.

Commissioner Vahey said his concern is opting out of any litigation settlement.

Solicitor Clarke replied he does not believe that to be the case. We are opting into being in the class that is part of negotiating potential settlements.

President Luker asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

Public Affairs Committee –

Item PA-01-111419:

Commissioner Spiegelman made a MOTION, seconded by Commissioner Vahey to authorize the Old York LLC v. Montgomery County Board of Assessment Appeals, Et Al stipulation to settle.

President Luker asked for any comments from Commissioners or staff.

Commissioner Myers asked for further explanation.

Solicitor Clarke explained that Wisler Pearlstine, LLP represents the School District and Township in all tax assessment appeals. The School District takes the lead on tax assessment appeals as they have the most amount of money at risk. The School District on behalf of itself as well as the Township filed a tax assessment appeal against Old York LLC claiming that the property was undervalued, and after a decision by the judge in the case, the School District and Old York LLC reached a proposed settlement and the School District, County and Abington Township needs to approve it. Effective January 1, 2017 for the County and Township taxes and July 1, 2017 for School District taxes, and the assessment of the property shall be increased to \$24,052,650.00 reflecting a fair market value of \$42,874,599.00. The assessment for the property for tax years 2018 through 2019 shall remain unchanged and the School District, Township and property owner agree not to appeal the property assessment through the 2023 tax year unless there is a change.

Because of this proposed settlement, the taxpayer needs to pay the Township, the School District, County and Montgomery County Community College for back taxes owed. Proposed is that the property owner will make a one-time \$100,000.00 payment to be paid within 30 days to each of the taxing authorities that will result in \$79,302.08.00 to the School District, \$11,090.31 to the Township, \$8,634.12 to the County and \$973.49 to the Montgomery County Community College.

Additionally, the taxpayer will make payments of \$42,271.78 for 18 consecutive months to catch up on arrearage and that will result in payment on a monthly basis to the School District of \$33,522.40, Abington Township \$4,688.07, County \$3,649.79 and Montgomery County Community College of \$411.51. This agreement is enforceable against anyone who may purchase the property of Old York LLC, and the School District officials recommended settlement and representative of Wisler Pearlstine has also recommended approval.

Township Treasurer Jay W. Blumenthal questioned whether this covers other years.

Solicitor Clarke replied yes, tax years 2009-2016 and then the agreement sets new rate for tax year 2017 and then going forward.

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, expressed concern about this matter.

Natalie Sherstyuk, 1165 Delene Road, expressed concern about committee meetings being canceled; also about questions/answers from informational session not being posted yet; and she asked for second informational meeting to be postponed.

Commissioner Spiegelman replied that all the answers to the resident's questions were in his reply to her email.

MOTION was ADOPTED 15-0.

Finance Committee –

Receive Treasurer's Report:

Township Treasurer Jay W. Blumenthal reported that deposits of real estate taxes/fees transferred to Finance Department for the month of October 2019 was in the amount of \$22,946; YTD \$24,499,654 representing 88% collected and \$3,398,718 to be collected.

Monies received from various departments into Republic Bank for October 2019 was in the amount of \$2,890,878 as compared to last year in the amount of \$1,732,789 representing an increase of \$1,158,089; YTD \$58,971,126 over last year of \$57,326,510 representing an increase of \$1,644,616.

Item FC-02-111419:

Commissioner Vahey made a MOTION, seconded by Commissioner Spiegelman to approve the September expenditures as previously circulated to the Board, in the amount of \$2,653,622.66 and salaries and wages in the amount of \$1,992,907.14 and authorizing the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of December 2019.

Roll call resulted in motion being passed 15-0.

Item FC-05-111419:

Commissioner Vahey made a MOTION, seconded by Commissioner Winegrad to select United Healthcare as the Retiree Medicare Plan Provider effective January 1, 2020.

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

President Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, expressed concern that the Treasurer's reports should be substantive.

MOTION was ADOPTED 15-0.

Item FC-06-111419:

Commissioner Vahey made a MOTION, seconded by Commissioner Winegrad to approve and authorize the Township Manager to execute a contract with McMahon Associates, Inc. in the amount of \$32,600.00 to prepare construction drawings for new curbing, sidewalks and handicapped ramps in the 2200 and 2400 block of Old Welsh Road.

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

President Luker asked for any public comments. There were none.

MOTION was ADOPTED 15-0.

PUBLIC COMMENT:

Natalie Sherstyuk, 1165 Delene Road, expressed concern that she felt “defamed and discredited” at the last meeting.

Lora Lehmann, 1431 Bryant Lane, asked to have the answers now regarding the EDC.

REMARKS OF COMMISSIONERS:

Commissioner Bowman congratulated Commissioner Schreiber on her election to a higher office.

Commissioner Zappone thanked Manager Manfredi and Ms. Montgomery for their hard work on the Maple Avenue project. Also, the Ardsley Community Association will be having its 8th Annual Ardsley Tree Lighting event to be held on December 7th from 6-9 p.m. at the Ardsley Community Center. And, residents of Ardsley have never been ignored.

Commissioner Vahey announced that a tree planting event will be held at Hallowell Park on Saturday, November 16th at 9 a.m. sponsored by the Abington Township Shade Tree Commission.

Commissioner Spiegelman reminded everyone that Saturday, November 16th from 9-noon at the Township Yard on Florey Lane will be the “Anything with a Plug” electronics collection event. Also, the EAC will be running a food drive there as well.

Commissioner Carswell thanked the residents of Ward 10 who helped put together the Thanksgiving bundles as well as the Cub Scouts for Interfaith Food Pantry. Also, on Saturday, December 7th at 3 p.m. Ward 10 will be having its 2nd Annual Neighbors Meeting at the Roychester Community building.

Commissioner Schreiber announced that on Saturday, December 7th will be the Roslyn Holiday Party from 1-4 p.m.

Commissioner Brodsky wished everyone a “Happy Thanksgiving.” Also, on December 9th, there will be a meeting regarding the Comprehensive Plan for residents of the Township primarily for residents of Wards 1 and 2 at Rydal East Elementary School. Also, he thanked Lt. Porter and Chief Molloy for their assistance with traffic issues in his ward.

Commissioner Rothman thanked the volunteers of McKinley Fire Company for their hard work on the Halloween Parade as well as his colleague Commissioner DiPlacido, and he looks forward to working with him on the holiday event. Also, he thanked every resident who came out to vote on November 5th, “your voice matters.”

Commissioner DiPlacido congratulated Commissioner Schreiber, “well done.” To PECO on behalf of his residents of Ward 4, the electricity was turned off during the Eagles game so “knock it off.” Also, “when driving through Abington Township, please drive like your kids live here.”

Commissioner Thompson thanked everyone who attended the first two Comprehensive Plan community engagement meetings at the Edge Hill Fire Company and Crestmont Park where we received a lot of good feedback. The next community engagement meeting for the Comprehensive Plan will be Monday, November 18th from 6:30-8:30 p.m. at McKinley Elementary School and the other will be held on December 9th at Rydal East from 6:30-8:30 p.m. Also, he thanked Ward 6 voters who came out on Election Day and voted and donated candy to “Operation Gratitude” where we collected 60 lbs. of candy for care packages for soldiers serving overseas as well as Veterans at home. And, he wished everyone a “Happy Thanksgiving.”

Vice President Kline encouraged Commissioners Spiegelman and Vahey to continue on with the informational sessions on the EDC. It is important that the process continues and that it is a process for all of the residents and not just for a select few to control that process.

ADJOURNMENT: 9:30 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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Note: Resolution No. 19-027 was adopted by the Board of Commissioners on November 14, 2019.



12.12.19

Resolution No. 19-027

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION AGILITY AGREEMENT

BE IT RESOLVED, by the authority of the Board of Commissioners of Abington Township in Montgomery County, and it is hereby resolved by authority of the same, that the Board of Commissioners President of said Agility Partner be authorized and directed to sign the attached Agreement on behalf of the Agility Partner.

The Agility Partner hereby certifies that the foregoing is a true and correct copy of the Resolution adopted by its Governing Body on November 14, 2019.

Abington Township

ATTEST:


Richard J. Manfredi
Township Manager & Secretary

11.18.19
Date

By: 
Wayne C. Luker, President

11.18.19
Date