



TOWNSHIP OF ABINGTON

PROPOSED ABINGTON TOWNSHIP ECONOMIC DEVELOPMENT CORPORATION QUESTION/COMMENT AND RESPONSE DOCUMENT

DECEMBER 2019

ABINGTON TOWNSHIP OFFICE OF THE TOWNSHIP MANAGER



Abington Township is accepting public comments and questions regarding the proposed Abington Township Economic Development Corporation (EDC). Public comments are accepted online at www.abington.org/edcorp through an online submission form, by mail, and in-person at public informational meetings.

The public comment period began Friday, October 4, 2019, in advance of an informational meeting held on October 16, 2019 hosted by John Spiegelman, Commissioner Ward 11, and Matt Vahey, Commissioner Ward 12. Questions continue to be accepted and will be accepted until Friday, February 7, 2020. Written comments received as of December 13, 2019 are provided in this comment and response document. A second public informational meeting regarding the proposed EDC is scheduled for January 11, 2020 at 9:00 AM in the Abington Township Board Room, located at 1776 Old York Road, Abington, PA 19001.



AUTHORIZING DOCUMENTS

1. Question: Are the articles of incorporation and bylaws going to be presented on the 16th? And if not, can we have additional informational sessions until they do finally decide to actually show us what they are proposing? I do not want a situation where we pass the proposal and read it later.

Response: We have no objection to presenting the Articles of Incorporation and Bylaws, but will defer to the Township.

UPDATE: Articles of Corporation and Bylaws were provided and discussed at the October 16, 2019 public information meeting. The information is available at <https://www.abingtonpa.gov/government/office-of-the-township-manager/boc-policy-initiatives> and by selecting "Economic Development Corporation" under "Policies."

2. Question: If created how will this differ from the Economic Development Committee?

Response: Like the Economic Development Corporation ("EDC"), the Economic Development Committee ("Committee") was created by the Township to facilitate economic development by working with the Township, the Board of Commissioners, and the Township's residents and businesses. However, unlike the Committee, the EDC is a corporation that can act on its own accord to fulfill its mission under the Bylaws and Articles of Incorporation so long as its Board of Directors votes to do so (subject to the restrictions in the Bylaws requiring Member consent).

3. Question: Can the Corporation be dissolved in the future if the taxpayers decide it was a mistake?

Response: Residents will be unable to vote directly to dissolve the EDC in the future, in the same way that residents cannot cast a direct vote to dissolve any other Township board, committee, or commission. However, the Board of Commissioners who will be serving as the Member of the EDC may vote to dissolve the EDC in accordance with the Bylaws at any time.

4. Question: Will the taxpayers have a chance to vote on this?

Response: Taxpayers will not have a chance to vote on the EDC (see above). However, they will have the opportunity to provide public comment, inquire with Commissioners and Township staff.

5. Question: Will your Annual Meetings, Quart. Meetings and Special Meetings (Article V, Sections 5.01 and 5.02) be open to the public and televised, and will the public be made aware in advance of any Action by Written Consent (Article V, Section 5.03) which allows any action to be taken without a meeting? If not, please justify.

Response: The EDC will be incorporated as a government instrumentality. As such, the EDC will be required to comply with Pennsylvania's Sunshine Act and hold public meetings for deliberation. Further, the Board of Directors will determine what materials are shared with the public with respect to the Action by Written Consent.

6. Question: Article V, Section 5.06 Attendance at Meetings...No mention anywhere of public attendance or participation. Will you include residents or leave us out from your bylaws? If so, please justify.



Response: The EDC will be incorporated as a government instrumentality. As such, the EDC will be required to comply with Pennsylvania's Sunshine Act and hold public meetings for deliberation. Public comment will be allowed and requested at each public meeting.

7. Question: Will you add the Sunshine Act to Article X, Sec.10.02? If not, please justify.

Response: The EDC will be incorporated as a government instrumentality. As such, the EDC will be required to comply with Pennsylvania's Sunshine Act. Accordingly, the Sunshine Act does not need to be referenced in the Bylaws.

8. Question: Who is liable if they are volunteers on the Board?

Response: There are indemnification provisions in the Bylaws that state individual Board Members and the Director of the EDC are not personally liable for actions by or acts of the corporation. Any attorney fees that members may need to pay to defend themselves would be paid by the corporation and there will be an insurance policy to cover such liabilities.

9. Question: Where would excess funds developed by the Economic Development Corporation flow to? Is this specifically answered in the by-laws?

Response: Excess funds are addressed in the by-laws. Revenue generated by the EDC must be utilized for the purpose of the corporation. Because it is a government instrumentality the EDC can hold revenue to further its purpose. Additionally, if the Board of Commissioners decides to dissolve the corporation, and if there are any funds remaining including properties, it will be transferred back to the Township because it is government instrumentality and the sole member of the EDC.

10. Comment: They can change bylaws at any time. If you say all are Abington residents, you could change that a week later.

APPOINTMENTS

1. Question: Do you plan on appointing Comm. Kline at any time, be it currently or after his seat as commissioner, to this board, or give him any authority of any kind with the Ec.Dev.Corp., given his history of having been investigated for corruption, and most recent history of having been removed as chair of Finance and Pensions because of his breach of conduct? If so, how will you justify it?

Response: The Township has a process in place to review and consider applicants that includes an application and interviews with recommendations to the full Board of Commissioners.

2. Question: What this process for recommending, volunteering, selecting the board members for the council? What is the timeline for the process? What is the expectations of the various roles and time commitment that is anticipated (probably this varies by phase?



Response: Upon the creation of the EDC, the Board of Commissioners will determine the process for selecting the Board of Directors. It is anticipated that this process will mirror the current process for appointing members to Township committees.

3. Question: Is there a prohibition of current sitting Commissioners to serve as a Director or Officer of the EDC?

Response: Current Commissioners cannot apply to be an officer or director of the EDC.

4. Question: Can the public oppose your appointment of the EDC Board of Directors? If so, how?

Response: The public has an opportunity at a public meeting of the Board of Commissioners to make public comment. It would be at that time that the public can express its opposition to the appointment of any potential candidates.

5. Question: If Board of Commissioners appoints directors to EDC that we don't like can we remove that person or can we elect other commissioners to appoint appropriate directors?

Response: The Township electorate determines who serves as a Township Commissioner.

6. Comment/Question: Your response to whether or not Commissioner Kline will be on the Board was this-an applicant must show his willingness to carry out the development vision of the Township. So, someone with a history of being investigated for public corruption will actually be considered?

Response: Any individual who submits an application will be interviewed and questioned on all aspects of their background, education, and experience.

7. Comment: Every project provides revenue to offset EDC cost. EDC Board should be elected not appointed. Public debate on proposed projects.

MANAGEMENT

1. Question: If the Economic Development Corporation is developed, how will the committee ensure (contractually) that minority and women owned businesses will have access/input into the economic growth and revitalization projects?

Response: As part of the screening/interview process for appointing members to the Board of Directors, Township Commissioners will (1) make clear that Abington Township's business community should be a place where minority-owned and women-owned enterprises should have full and equal access to opportunities to develop and succeed; and (2) give favorable consideration to applicants who respect, share, and support that priority.

2. Question: How will the township provide oversight and accountability?



Response: The Township's Board of Commissioners will have direct oversight of the EDC as the ultimate decision makers of the EDC.

3. Question: How are the directors appointed and removed?

Response: Directors will be appointed and removed by the Board of Commissioners in accordance with the Bylaws.

4. Question: How will it provide transparency to the community?

Response: The EDC will be incorporated as a government instrumentality. As such, the EDC will be required to comply with Pennsylvania's Sunshine Act and hold public meetings for deliberation. The community is encouraged to attend each meeting and provide public comment.

5. Question: If created how will this Corporation report (income, expenditures, etc.) to the taxpayers of Abington?

Response: The EDC will provide financial reports to the Board of Directors in accordance with the Bylaws. The financial reports will also be published to the EDC's website in accordance with the Bylaws.

6. Question: How will this Corporation be accountable to the taxpayers?

Response: The taxpayers will be able to vote for or against the Commissioners, who will serve as the ultimate decision makers of the EDC.

7. Question: How will the Officers of this corporation be selected or removed?

Response: Officers will be appointed and removed in accordance with the Bylaws by the Commissioners, who will serve as the ultimate decision makers of the EDC.

8. Question: I'd like to understand from the Commissioners what they think the short and long term Cons of this proposal are. Based on those potential drawbacks, how do you feel the pros outweigh the cons enough to move forward?

Response: Commissioner Vahey's response: The real draw back here is to continue, as a township, to take a back seat to our economic development. This is a proactive proposal to ensure that the Township is developed in the best interests of the taxpayers. I believe the biggest risk is to do nothing at all.

9. Question: To what extent will the EDC utilize Township personnel for its activities and reimburse it?

Response: The EDC will utilize Township personnel. The goal is to minimize start-up costs so as not to have to hire any administrative staff; however, any help from Township staff will be limited. The Township Manager's and staff time will be minimal.

10. Question: Will the EDC have their own employees?

Response: No, not until they can afford to do so.



11. Question: Who will pay for legal challenges to the EDC?

Response: That would be dependent upon what the legal challenge is.

COST

1. Question: How will this agency be funded?

Response: The Township will initially fund the EDC. However, once operating, the EDC will function like any other corporation. It will be able to obtain loans and grants and can gain revenue from projects throughout the Township.

2. Question: Will the directors be compensated?

Response: Directors may not be compensated, as stated in the Bylaws.

3. Question: How was the law firm selected for this, was there a public announcement and were bids submitted or was a firm just selected?

Response: The selection of the law firm to provide the professional services for this project was based solely on the firm's credentials specific to their expertise on the relative subject matter. This engagement did not require the issuance of an RFP.

4. Question: If the corporation defaults on its debts/loans, will the Township be liable for that debt?

Response: It depends. It will depend on whether the Township guarantees that debt. The decision to guarantee debt would be at the discretion of the Board of Commissioners.

5. Question: What are upfront costs to establish an EDC?

Response: The upfront costs are estimated to be up to \$100,000.

6. Question: How much initial seed funding will the Township need to put into the corporation?

Response: Up to \$100,000.

7. Question: As a new non-profit, how will the corporation disburse income that exceeds expenses, ie. profit?

Response: Excess funds are addressed in the by-laws. Revenue generated by the EDC must be utilized for the purpose of the corporation. Because it is a government instrumentality the EDC can hold revenue to further its purpose. Additionally, if the Board of Commissioners decides to dissolve the corporation, and if there are any funds remaining including properties, it will be transferred back to the Township because it is government instrumentality and the sole member of the EDC.

8. Question: What will the legal lending limit be for the corporation?



Response: The Board of Directors will determine the lending limit for the corporation in conjunction with the policies and procedures set by the Board of Commissioners.

PROJECTS

1. Question: Why do we need this, we already have an Economic Development Committee?

Response: The Committee is limited in its powers and scope; whereas the EDC can act independently of the Township as its own corporation. The EDC can be presented with an idea and immediately take action if they feel it is beneficial for the community. Unlike the Committee, the EDC does not have to go through the same bureaucratic processes to take action.

2. Question: How might an EDCorp provide Targeted Industry and Job Development? Our 2015-2016 STAR Assessment (EJ-5) showed this area to be a particular opportunity for improvement. You can read more about the possibilities and best practices in the STAR 2.0 Technical Guide, pages 188-194. With the anchor of Penn State Abington, perhaps such possibilities or targeted business niches can emerge.

Response: The EDC will work with the Township, its residents, businesses, and committees to identify blighted areas for redevelopment. The Board of Directors of the EDC can determine if the blighted areas are ripe for addressing any of the STAR Assessment areas. While the Board of Directors have not yet been appointed, the Board of Commissioners will have the ability to interview Directors and ensure their vision is in-line with the Townships.

3. Question: How might an EDCorp further the goals of a local C-PACE (Commercial Property Assessed Clean Energy) program? C-PACE was enabled in the summer of 2018 to help PA commercial, industrial, and agricultural properties become more energy and water efficient. Act 30 authorizes PA counties or municipalities with community or economic development departments to pass a local resolution and adopt guidelines for C-PACE. C-PACE is an innovative financial tool for property owners to obtain low-cost, long-term financing for energy efficiency, renewable energy, and water conservation projects and can provide up to 100% funding of total project costs by placing a special voluntary assessment on the property that repays the costs of the upgrades. Because C-PACE is attached to a property assessment, it is a secure form of financing. The community, economic and environmental benefits would improve our township by financing clean energy projects for businesses. Here are Local Government and FAQ links. The requirements to qualify to establish C-PACE include being either a) a county of PA or b) a municipality of PA with a community or economic development department. At the June 2019 Montco Ready for 100 Kick-off meeting, I asked John Leshner if Montco was planning to offer C-PACE and he responded that it is being looked at but he did not know when it would happen. So far Philadelphia, Northampton, and Chester counties offer this program.

Response: The EDC is a corporation and is not a department of the Township. Although formed by the Township as a government instrumentality, the EDC will operate as a corporation. However, once the Board of Directors are appointed, they may, at their option, at the appropriate time, research C-PACE further to confirm eligibility.



4. Question: If you have no “vision” of what the corner of Old York Road and Susquehanna will look like, where did the “projected development costs” (hand out) numbers come from?

Response: The numbers in the PowerPoint presented by Obermayer Rebmann Maxwell & Hippel, LLP at the September 4, 2019 Public Affairs meeting was an example of a project and were fictitious. There is currently no “vision” for the redevelopment of Old York Road and Susquehanna Road.

UNCATERGORIZED COMMENTS/QUESTIONS

1. Comment/Question: Article 9 says the bylaws may be altered at any time by the township so please describe where the sense is in submitting something for resident comment or approval when it can be changed at will right after any comments or approval.

Response: Requesting public comment allows the Board of Commissioners to gauge public opinion.

2. Comment/Question: Isn't it true that you can currently choose to do any kind of economic development that you want to, but that you would have to do it within the rules?

Response: This question is vague and cannot be answered as drafted. The Township operates in accordance with all applicable laws, rules, and regulations.

3. Comment/Question: Why should you be allowed be allowed to engage in development outside of the rules when you have every ability to do the same things inside the rules that are there to protect us.

Response: The creation and implementation of an EDC is allowed by statute and is commonly used across the Commonwealth of Pennsylvania to effectively and efficiently complete the similarly typed projects. The Township operates in accordance with all applicable laws, rules, and regulations.

4. Question: Why should we want you to be able to develop in a way that protects you or distances you from feedback of the residents, or from any other conditions designed to protect us from government abuse?

Response: The EDC protects Township residents from liability associated with the development and redevelopment of the community. By utilizing a different development entity, the Township is able to protect its taxpayers while still developing blighted areas in the community.

5. Question: Please tell why the webpage page for The Economic Development Corporation does not show correctly the version of the Ordinance (without by-laws and articles of inc) that was voted on 9-4-19 and 9-10-19 .

Response: The ordinance on the website is what was voted upon and is accurate.

6. Question: Please tell why the website page does not show the date the By Laws and Articles of Incorporation were posted

Response: The posting of dates for when a document is added to the website is not a common practice.



7. **Question:** Will you correct the dates on the website so a true chronology can be appreciated?

Response: The dates are posted chronologically. The order has been reversed to display the most recent information first.

8. **Comment/Question:** How could the residents of Abington possibly approve allowing other people from outside the township or anywhere in Pennsylvania deciding for us what they would do in our Township, without any further approval from us.

Response: An EDC is designed like a corporation. As such, it gives the Township the option to engage any experienced individual whom the Board of Commissioners thinks may be able to help the EDC achieve its mission.

9. **Comment/Question:** We have no idea who the people are who will be appointed to take over our voices. Do you think that is in the best interests of the Abington Residents you serve?

Response: The Board of Directors is being appointed by the Board of Commissioners. Abington residents vote for their Commissioners. As such, if a resident does not feel as they are being served they have an opportunity to reach out to their Commissioner to express their concerns. Further, if a resident feels that their wishes are truly not being represented they have the ability to vote for a different candidate.

10. **Comment/Question:** We have no idea what the "chosen" people's vision is for our Township or whether it is anything like the vision that we have. Do you feel that this is in the best interests of the people of Abington? ...to totally give their rights up to others, whose names and visions they do not know?.....who may not even live here and who have no requirement to include our concerns in their march towards profits that they can "make new friends with?

Response: The EDC and its Board of Directors are required to act in accordance with the EDC's mission statement, as stated in the Bylaws and Articles of Incorporation. Further, the Board of Commissioners may remove and appoint new members to the Board of Directors in accordance with the Bylaws.

11. **Comment/Question:** Is it not so that these developers and others, some or all of whom may be from outside our township are to be able to use funds, grants, resources, personnel etc paid for by our tax dollars, but these finances would not be decided inside the confines and rules of our budget process.

Response: The EDC is required to act in accordance with its Bylaws. The EDC will have its own budget, which will be decided and allocated by the Board of Directors.

12. **Comment/Question:** Inside our budget process, the funds should be going to the projects and needs that are identified as the most urgent, but isn't it true that none of the funds at play in the EDCorp would subject to those rules, that process, or those priorities?

Response: The EDC is required to act in accordance with its Bylaws. The EDC will have its own budget which will be decided and allocated by the Board of Directors.

13. **Question:** Is there any place in this entire process where the view and the voices of the residents would



be considered first? At any stage of a project? At any stage of the continuation into subsequent projects? At any stage in the creation of new “entrepreneurial “entities?

Response: The EDC will be formed as a government instrumentality. As such, it is subject to Pennsylvania's Sunshine Act and all deliberations must be done in public meetings. Public comments will be encouraged at each meeting.

14. **Question:** Please tell me why residents should want you to approve such a thing when there is no mechanism for their voices to be made louder rather than diminished entirely - or made inconsequential?

Response: Residents are unable to vote on the creation of the EDC. The Board of Commissioners will vote. We would encourage each resident to review the PowerPoint on the Township's website, as well as, the flyer created by the Township with respect to the benefits of the EDC.

15. **Comment/Question:** If public has never been given a straight answer on the finances regarding the profits and benefits of the convoluted derivative style coalitions of public and private participation such as the one that built Crest Manor with 46 units at a cost of seventeen million dollars, why would we consider these public private partnerships to be a good thing. It is one thing to see a beautiful thing built - but quite another when you may have paid for it and have no idea what it really cost you - and whether you would have approved it if you DID know the cost. Will the figures on all EDCorp projects be available to the public in advance of any such project being approved?

Response: The Board of Directors will determine what, if any, materials will be made available prior to a vote. However, all deliberation must be done in a public meeting.

16. **Comment/Question:** Just as the finances are often written in incomprehensible derivative fashion, so are the sections on liability. In fact it is clearly far more complex and convoluted than are reasonable for a public document and perhaps this statement is among the most distressing :

Upon receipt of a written request for indemnification against liabilities and an advancement of expenses pursuant to this provision, a prompt determination shall be made by a disinterested quorum of the Board, if available, or by other means recognized by law, to determine the requesting party's right to indemnification and advancement. If no such determination is made within thirty (30) days from the date of the request, it shall be conclusively presumed for all purposes that the requesting party has rights to indemnification and advancement In fact someone who should not be covered can even be covered by such a simple move on the part of others. If the Colonade has taught us nothing else, it has taught us that our money can be stolen just as easily in false lawsuits, as it might be by a robber with a gun and a mask . Will you require the liabilities to be written in a clearer manner and written without loopholes that so easily might find guilty parties none-the-less defended in full at the expense of the taxpayers, as is currently the case in the Colonade /100 York dealings?

Response: This question is not clear. The EDC is a corporation, and as such, its Bylaws contain indemnification provisions similar to any other corporation (whether non-profit or for-profit).

17. **Comment/Question:** Both residential and Commercial properties are being considered for the taking and developingyet isn't it true that most vacant properties are only a problem because code enforcement personnel are not doing their job?

Response: It is not true that most vacant properties are only a problem because of code enforcement



personnel.

18. **Question:** Please explain why properties are not properly cited when they are not following code, causing them to become blighted

Response: We are not aware of properties not being properly cited causing them to become blighted.

19. **Question:** Please explain how the actions of the code enforcement officials are not creating the problem.

Response: In order to properly answer this question, the problem would need to be stated.

20. **Comment/Question:** One goal is to develop things in a way to ease traffic flow and congestion. Quite the opposite has been true with just about every single project that Township personnel Commissioners and staff have approved. How will this happen

Response: All EDC projects will be required to go through the subdivision and land approval process, as well as any zoning hearings required.

21. **Question:** Please explain how, if the Township has consistently approved projects that increase traffic flow and congestion, you believe a separate corporation with far less input and oversight could do better?

Response The EDC will have oversight as outlined in the Bylaws. The Board of Directors will have the powers to run the EDC, but the Bylaws provide the Board of Commissioners with oversight. Further, with respect to financial reports, the EDC will publish all financial reports prepared for the Board of Directors on its website.

22. **Comment/Question:** you have suggested that this Corporation will submit things that meet the needs and the desires of the residents – but the needs and the desires of the residents are regularly ignored by Township officials totally while approvals are made for developers that provide construction contrary to our wishes. Few residents were in approval of a 12 pump Wawa at such a dangerous intersection - that has now been made more dangerous. Residents voices were overwhelmingly ignored as the Abington Terrace development was approved.... Affecting other properties as well... But that information was largely withheld. The Colonade process was allowed to continue while the safety of the residents residing there including the voices of the residents commenting on the issues at the podium were ignored. In nearly every phase of interaction there has been a problem between what Township officials and personnel are accepting of and the vision of the residents. How would you possibly suggest that this Corporation that is required to have nearly no public input could then meet the needs and the desires of the residents ?

Response: The EDC is being formed to help improve blighted areas in the Township. The EDC will have public meetings were residents can make public comment. Additionally, residents are welcome to reach out to their Commissioners and the Township with any questions.

23. **Comment/Question:** Why should we not believe that this attempt to move the issue to a separate Corporation is simply an attempt to avoid that very interaction with the residents that helps the residents voice what they actually do want in their community. They did not want to hundred and 46 units on 8 acres. And that should not have happened. They did not want and 1100 square-foot facility just a few feet from their fence line, on top of that with a septic system instead of a sewer. Yet approvals were made by township personnel and officials that completely ignored the needs wishes and desires of the residents.



Please tell us how you would seek to change that dynamic in a process that cuts the residents voices out even further.

Response: The EDC will have public meetings where residents can make public comment. Additionally, residents are welcome to reach out to their Commissioners and the Township with any questions.

24. Comment/Question: Please tell the many ways that the residents needs wishes and desires are gathered by those making the decisions . For instance in this case how many people in the Township of 56,000 do you think actually know about what is happening and are suggesting that you should in fact go ahead with the development of this Corporation ? How did you inform people before advertising for a hearing - how did you poll the residents of this Township to know what their wants needs and desires were ?

Response: The Township Board of Commissioners and members, among other ways and means, strictly adhere to Pennsylvania Sunshine Act, proactively engaging with citizens through various forms of media, expansion of communication efforts via Township communications infrastructure, and attendance at and holding of neighbor meetings.

25. Question: How would residents be able to voice their wants needs desires and concerns to this board when they are not participating in it and when the board has nearly no obligation to them written into the bylaws..... ?

Response: The EDC will have public meetings where residents can make public comments. Additionally, residents are welcome to reach out to their Commissioners and the Township with any questions.

26. Question: Is there any place in the bylaws that gives concrete steps to ascertain what residents needs wants and desires are ?other than to suggest that whatever the Corporation decides to do will meet those needs wants and desires?

Response: The EDC's Bylaws and Articles of Incorporation outlined the EDC's mission statement and purpose. The EDC is required to act in accordance therewith.

27. Comment/Question: In section 1.01 of the bylaws it suggests that economic development is going to be in the interests of the residents - however no one has ever actually given the residents any written summation of an economic development calculation that shows even a single project where there is a specific economic benefit. Will we get such a calculation?

Response: No calculation is available. Examples of projects that would benefit from an EDC were provided by David Nasatir and Michael Thom of Obermayer at the September 4, 2019 Public Affairs Committee Meeting. [To view Obermayer's presentation, please click here.](#)

28. Comment/Question: In the past when any calculations are given they have been totally devoid of figures that were complete and when complete showed any benefit or list of benefits . Developments like Abington Terrace, St. Michael's, The Manor Woods rezoning, Rydal Waters, the Baederwood / Brandolini debacle , The Grove property , the Colonade/100 York /the Colonade/100 York/ the Colonade/100 York/ the Colonade/100 York, the Wawa, The Rite Aid placed next to a CVS, the Superfresh next to Shordays..... the list goes on and on. No figures were ever given that showed the impact of the **losses** caused to other businesses or the thousands of hours of staff time, legal time, all of the infrastructure costs and other



costs...etc When numbers are given it's a one sided affair. Without both sides of the picture it is impossible to calculate any benefit real or imagined on the part of the township or the taxpayers funding it all. And at the end of nearly every project there is a developer who is enormously richer and a lot of residents whose pockets have silently been picked, little by little, to make him that way. Will you provide please, several examples of the benefits that the residents received from any of these projects.....? and then provide the actual costs of those benefits and let us decide for ourselves if it was actually in our interest or not?

Response: The question would have to be more clearly stated and defined for an appropriate response to be provided.

29. **Comment/Question:** In Section 1 .03 private inurement can be paid to directors officers or others when it is incidental to the government function and purpose. This is contrary to some of the basic protections that are afforded to residents when the government is using their money. But by passing this money on to a "completely legally separate entity" they seem to be able to avoid this protection. Tell us why we would not be better off having the protections that the law intends us to have when the government is using our money?

Response: The EDC is a government instrumentality. After the initial start-up costs (which will be loaned by the Township), the EDC will be able to generate revenue and operate like any other business. Accordingly, the Board of Commissioners may, at its option, pay directors, officers, or others when it is incidental to the EDC's purpose.

30. **Comment/Question:** The government already has many buildings. It has the right to obtain them and it has the right to redevelop them. Of course those rights come with certain limitations and restrictions that are designed to protect the residents. Please explain how it would be in our interest to set up a new entity and allow it to obtain new buildings and offices in which to function that are not ours even though some substantial portion of our money has been used to acquire them?

Response: The EDC, may at its option, acquire property and either: (i) develop it and donate it to the Township; or (ii) develop it, manage and lease it. The EDC does not need to develop and donate all property to the Township.

31. **Comment/Question:** No limitations are put on the cost of the offices that might be acquired, so again reasonable government protections are not a feature here. Please tell us why that would be in our interest?

Response: The EDC will operate in accordance with reasonable business practices as determined by the Board of Directors.

32. **Comment/Question:** In Section 3.01 we learn that the sole member is the township. However once again this is meaningless because the township can add another member at any time it would like.

Response: The EDC is a government instrumentality of the Township. Accordingly, the Township would not add an additional member. If it did, and the new member did not meet the promulgated rules and regulations for government instrumentalities, the EDC could be in jeopardy of losing any benefits it may have.

33. **Comment/Question:** In section 4.02 please say why someone should be a resident of the Commonwealth and not a resident of Abington Township who is deciding how Abington Township is developed?



Response: An EDC is designed like a corporation. As such, it gives the Township the option to engage any experienced individual whom the Board of Commissioners thinks may be able to help the EDC achieve its mission.

34. **Question:** Please tell me where it would establish any rights for the residents of this Township to objected to a project that they found completely contrary to their wishes?

Response: Residents are able to voice their concerns at a public meeting, or by reaching out to their Commissioners, the Township staff or the EDC staff.

35. **Comment/Question:** Our government is supposed to set up mechanisms to hear the residents before it undertakes any service on their behalf – that is guaranteed by laws carefully set out --- (yet already inadequate) Why would we want to give up the right to have any say in what is supposedly being done “ on our behalf and in our interests” ?

Response: Residents are able to provide public comment at any public meeting. It is encouraged. We would also encourage each resident to review the PowerPoint on the Township's website, as well as, the flyer created by the Township with respect to the benefits of the EDC.

36. **Question:** We have a government process set up for the above goals – why are we sidestepping that process?

Response: The EDC allows the Township to provide benefits to the community without all of the governmental processes.

37. **Comment/Question:** In section 4 .05 the residents do not seem to have any rights to reject to either projects or personnel. Please tell me why you should not write in to this ordinance a line that allows that upon the objection of 25 residents a director's name may be removed from consideration or a director may be removed from service?

Response: The EDC is a separate corporation whereby the Board of Directors make the ultimate decisions with oversight. The residents are beneficiaries of the EDC.

38. **Comment/Question:** Should there even be a corporation, why should a director not be re-nominated at the end of each year with the overwhelming support from...residents????

Response: The Board of Commissioners are elected by the taxpayers and have the authority to appoint and remove Directors. The EDC will be more effective with experienced Directors who have served on the board and understanding the goals and objectives.

39. **Question:** Please tell me how residents seem not to have any participation whatsoever in the economic development of their Township? Are they not to be trusted?

Response: Residents are encouraged to participate at public meetings and offer public comment as needed.



40. **Question:** Please tell me how we should not view this entire creation simply as a removal of our rights?

Response: The EDC is being created to benefit the Township and its residents. Additionally, the EDC will protect residents from unnecessary liabilities during the development process.

41. **Comment/Question:** In section 501 and the ones following we see that the directors do not really even have to participate except in writing or by phone or digitally. These are all things which hinder proper function of a meeting or the view of residents.... And these allow for quick behind-the-scenes decisions where no real consensus of any community is allowed. How is this in the interest of residents?

Response: The EDC is a government instrumentality. As such, it is required to comply with Pennsylvania's Sunshine Act and all deliberation must be done in public.

42. **Comment/Question:** Digital attendance, ad hoc committees that remove aspects of a project from the main process, all things that take any transparency away. If residents even are allowed to attend meetings in the first place, which is not clear, why would they want these non-transparent processes to take place with their money, their personnel, their resources, and their properties? Explain how that could possibly benefit them?

Response: The EDC is a government instrumentality. As such, it is required to comply with Pennsylvania's Sunshine Act and all deliberation must be done in public.

43. **Comment/Question:** Quick zoning decisions can often be bad zoning decisions. Quick development approvals can often be bad development approvals. Please explain how this could possibly provide for adequate oversight, adequate input, adequate thought, when residents feel certain there is not enough oversight already?

Response: The EDC will need to comply with all subdivision and land development requirements, as well as any other zoning requirements.

44. **Comment/Question:** Our manager was suggested to be named executive director. In 1.03 this may be a paid position, to be paid to a man who already is working a job paid by taxpayers that is considered more than full-time because the work is never done. He can never say he has finished for the day, he only can say he has done the most / best that he could for a day's work. If he can hold down a second job, that would not be true. Abington Township manager is not a part-time job. Please explain how this organization seems to think he is available?

Response: The Township Manager will serve the EDC initially because of his knowledge of the Township. Additionally, this will be done through a Cooperation Agreement, which will reduce the costs of the EDC.

45. **Comment/Question:** There is no indication of what officers would be paid. How much is Mr. Manfredi being paid now?

Response: It is not anticipated that Mr. Manfredi will be an officer in the corporation or paid by the Corporation for his time.

46. **Comment/Question:** How many hours does Mr. Manfredi think his job requires him to put in for that



pay ?

Response: As publicly stated, Mr. Manfredi works as many hours as necessary to meet the responsibilities of his position.

47. **Comment/Question:** How would residents guard against this separate entity - and all the other entities it creates - from dipping into the funds and resources that Township taxpayers pay so dearly for?

Response: The EDC is a separate entity. Any funds provided to the EDC from the Township would have to be approved by the Board of Commissioners.

48. **Comment/Question:** The section on funding is worded very, very nebulously that the organization will not be separate from the township, state, and federal funding, etc..... A great deal of the funding will come directly from taxpayer pockets is this not correct?

Response: That is not correct. Initial start-up funds would be loaned from the Township to the EDC. The EDC will obtain all other funds through loans, grants, or the generation of revenue.

49. **Comment/Question:** Since this entity can set up other entities that similarly meet the "mission" (broad as it is) how would we prevent all those separate entities from similarly acquiring our tax monies and resources without our consent?

Response: The question would have to be more clearly stated and defined for an appropriate response to be provided.

50. **Comment/Question:** The manager is not elected by the residents. And if we are enormously unhappy with what the EDCorp is doing we can unelect our Commissioner - but that will not dismantle the Corporation. It has no obligation to the people. And they have no control over it . Isn't that correct?

Response: That is incorrect. The Board of Commissioners can dissolve the EDC at any time in accordance with the Bylaws.

51. **Comment/Question:** How is it that no one elected by the residents is a part of this Corporation?

Response: That is incorrect. The Board of Commissioners will serve as the Member of the EDC.

52. **Comment/Question:** That the residents have no direct power over the Corporation is, in fact, the whole purpose of this separate entity is it not?

Response: That is not correct. The EDC will be created for the sole benefit of the residents and the community. We encourage you to review the PowerPoint on the Township's website and the flyer created by the Township to review all of the benefits of the EDC.

53. **Comment/Question:** The loans, liabilities, funding processes, etc are huge issues that are barely described in any manner that makes them clear to the residents. Usually there is a reason when the lingo is "convoluted"- an intent to deceive. Do you intend to rewrite all unclear clauses to make them more specific and more clear, and to require funding to be clearly set out so that it is easily comprehended for purposes of oversight ?



Response: The EDC is being created as a benefit and protection for the residents and is being discussed in a special public meeting. There is no intent to deceive.

54. **Comment/Question:** In section 7.08 we are not even being told the policies and the procedures for the acquisition and disposition of residential and commercial property. In other words you are deciding that somebody later on will decide what their procedures for taking my property might be. They currently whatever these unknown people with their unknown visions decide to make them. Do you find that to be in the interests of the residents of Abington?

Response: The Board of Directors will determine the policies and procedures for acquisitions and dispositions in accordance with guidelines provided by the Board of Commissioners.

55. **Comment/Question:** Don't you think a very clear policy and procedure manual for the acquisition and disposition of residential and commercial property in Abington Township should be put forth in order to see if residents agree with it or not, if you are purporting to represent the residents?

Response: The Township follows all laws in all manners including acquisition and disposition of residential and commercial property.

56. **Question:** Would the Township use tools like eminent domain against residents that did not cooperate with the entity they had created?

Response: The question would have to be more clearly stated and defined for an appropriate response to be provided.

57. **Comment/Question:** Or you are saying that you don't care whether we approve what you were doing or not?

Response: The Township has requested public comment on this matter and takes residents' comments very seriously.

58. **Question:** It is unclear even how much power our board of Commissioners will have over this entity. Do you intend to make that clear?

Response: The Board of Commissioners will have full oversight and authority over the EDC as outlined in the Bylaws.

59. **Comment/Question:** Will you support them no matter what they do because they are representing "you" or because they are raining \$\$\$ on you or because you like what they are doing? And what will happen if you DON'T like what they are doing?

Response: The Board of Commissioners will have full oversight and authority over the EDC. The Bylaws have built in safeguards to prevent the Board of Directors from acting against the EDC's purpose.

60. **Comment/Question:** After the myriad filings in The Colonnade /100 York issue and so many other issues in this Township that are being wrongfully litigated- even Right-to-Know documents that are being withheld, I believe purposely, to drum up revenue for the solicitor's firm, as was also the case in the



Abington Terrace / YMCA issue and others..... how would we even begin to trust a Township who put forth a document for a hearing with first NO details – and then nebulous changeable details like these?

Response: All formation documents include an ability to amend them in the future so that they may be changed with the times as needed. The EDC is being created for the benefit of the residents and the community and all residents are encouraged to attend and participate in public meetings regarding the EDC and by the EDC.

61. **Question:** How do we trust a Township who has members recommending the absurd \$345 hr fee for a firm where his siter-in -law is a partner and not a mention of it is made?

Response: As discussed by the Township Solicitor at the October 2019 Board Meeting, there is no conflict of interest with the selection of Obermayer. Additionally, the \$345.00 per hour fee has been capped and is a significant discount over the hourly rate of the attorneys at the firm.

62. **Comment/Question:** Why would we trust a Township where this item, highly protested was put on the consent agenda where it would be rushed to a hearing without further comment ?

Response: This appears to be a rhetorical question.

63. **Comment/Question:** How would we trust a Township who allowed just 2 days to get questions submitted – when they already knew that nearly no one understood this was even happening?

Response: The Township requested public comment prior to the meeting so that it would have time to prepare answers and share the answers at the public meeting instead of being unable to answer the questions. Questions have been accepted since October and will continue to be accepted through February 7, 2020.

64. **Comment/Question:** How would they trust a Township that had just surreptitiously removed speaking rights when they thought no one was looking?

Response: This appears to be a rhetorical question.

65. **Comment/Question:** How would they trust a Township that had so many residents in need of monies for important stormwater projects or other needs being put off, while they had no trouble finding and immediate \$20,000 for the outline of this project that they think will net them \$ or goodies to exchange for favors ...like the ability to set up other “entrepreneurs and make new “friends”. Do you recognize the conflict of interest in those actions?

Response: There is no conflict of interest, the question addresses two separate issues.

66. **Comment/Question:** How could they trust a Township who cannot/ will not give a straightforward answer after having been asked time and time again if Commissioner Winegrad is related to the partner at the firm he recommended the fee for and voted to fund.

Response: This appears to be a rhetorical question.

67. **Comment/Question:** Please tell me why, with all of these problems, and so many more, you think any of this is in the residents’ interest?



Response: The EDC is being created to improve blighted areas throughout the community. This is a major benefit to the entire Abington community.

68. **Comment/Question:** Please acknowledge that you have absolutely no idea what the community thinks, feels, wants, or needs, because you have not taken the time to ask. I have not ever been asked? Where is the "asking" going on? Among "friends"?

Response: This is false. The Township has received numerous quality questions and comments regarding the creation of the EDC.

69. **Comment/Question:** Please acknowledge, this Corporation will only be in the interest of the ones directly profiting from it - being paid by it in some way. The rest will not be told what the nice new development has cost each and every one of them. Nor will they be asked if that is what they wanted. Is that not the case?

Response: The EDC is created as a government instrumentality. Accordingly, all proceeds will be returned to the Township (as outlined in the Bylaws) following the dissolution of the EDC. The EDC does not provide profit to individuals except for potential payments (which must be reasonable) to Directors. Aside from that, the EDC will fully benefit the community.

70. **Question:** Benchmark with other Townships? Are there other Townships in Montgomery County?

Response: Yes, there are other Township successfully working on economic development. Using various vehicles such as Economic Development Corporations, Community Development Corporations and Industrial Authorities, which vary in purpose and scope, but are all similar in purpose. Hatfield Township and Pottstown Borough have two of the most active organizations in Montgomery County.

71. **Question:** How did Abington manage intersections over the past 100 years?

Response: The Township has successfully conducted roadway improvements for many years. What is unique about the intersection at Susquehanna Road and Old York Road is the redevelopment of commercial properties that will need to occur during construction. This redevelopment is where the Township does not have the expertise and would seek the advice of the EDC for what would be successful at the location and rely on them to manage the redevelopment from bidding to occupancy.

72. **Question:** Who approves land development projects?

Response: Abington Township Board of Commissioners approves land development projects in the Township.

73. **Question:** To what extent will the EDC be on equal footing with private developers?

Response: This is a challenging question. Everyone has to adhere to the Township ordinances and law. We do not know how successful the EDC will be, but based on the experiences of Hatfield and Pottstown, we do have confidence that the EDC can be successful and competitive. In regards to equal treatment, the EDC would not have preferential treatment.



74. Question/Comment: What evidence has been identified that volunteers can operate a successful EDC for a community of Abington's size and complexity? This will involve significant time, effort & expertise.

Response: The vetting process and selection of volunteers must include volunteers, who have demonstrated in the interview process the ability to successfully apply sound business principles and/or have specific experience with an EDC.

75. Question: Under the status quo, why can't the Township BOC require a potential developer to comply with the Township's Comprehensive Plan?

Response: The Township can require a potential developer to comply with the subdivision and land development ordinance and generally comply with the Comprehensive Plan.

76. Question: Does the Township not already have the ability to own and improve property?

Response: The Township does not have the ability to improve any property it does not own.

77. Question: At the October Board Meeting, I was told by the Board there would be multiple hearings, when after the December 12 hearing will be the next hearings?

Response: The next information meeting is scheduled for January 11 at 9:00 am in the Township Building. A hearing will be held on the ordinance when it is duly advertised to the public. It is tentatively scheduled for February 13, 2020.

78. Question: Who are the EDC people?

Response: Since the Economic Development Corporation does not yet exist; we cannot identify who the "EDC people" are.

79. Question: What is the Township's vision for Economic Development?

Response: Currently, the Board of Commissioners has commenced updating the Comprehensive Plan, which is the vision of the Township, and Commissioner Thompson is leading that endeavor. The EDC will be tasked with developing the Township in our best interests and that vision will be the blueprint going forward.

80. Question: What is the critical factor in your decision making of yes or no to go ahead with EDC?

Response: This question can be answered once the ordinance creating the Economic Development Corporation has been in front of the Board of Commissioners.

81. Question: The December 7th Informational meeting and the December 12th public hearing are too close together. Can the interval between the meetings be extended?

Response: The December 7 informational meeting has been rescheduled for January 11 at 9:00 am. The public hearing to vote on the ordinance is tentatively scheduled in February 13, 2020.

82. Question: Do any local or state governments that don't have EDC's ever have instances of corruption - i.e. can gov't corruption occur without EDC's?



Response: Yes, government corruption can occur in America without the existence of an Economic Development Corporation.

83. Question: Has Township ever hired a firm for consulting or contract from outside of Abington? Have those firms shown to be more corrupt? Or acting against Abington?

Response: Yes, the Township has hired consulting firms and vendors located outside of the Township. No, there has not been any indications of corruption or acting against Abington.

84. Comment/Question: Establishing an EDC may be a necessary tool for proactive development, but it isn't sufficient by itself. What thought has been put into the resources it will need? Such as an annual operating budget, community outreach & visioning, a proactive zoning plan & master plan, and a process for evaluating prospective developers.

Response: Much thought has been given to all of the examples above. In 2019 and 2020, the Township is actively engaged in planning in all of these areas.

85. Comment/Question: There are other approaches to proactive economic development besides A.) setting up an EDC, B.) the status quo. Have there been any efforts to identify other alternatives? And to evaluate the pros and cons?

Response: Yes, there are many factors to consider in economic development efforts; and yes, the Township is considering the impact of all of its activities on economic development.

86. Question: What evidence is there that a community with an EDC makes that community more attractive to potential businesses and developers? Could it make it less attractive?

Response: We are not aware of any community that is made less attractive because of the existence of an economic development corporation.

87. Question: Would a member of the corporation be permitted to develop within Abington Township?

Response: That is a matter to be considered by the Board of Commissioners.

88. Question: Could the Economic Development Corporation, serve as a means for the EAC to apply for sustainability grants that require a 501(c)3 applicant.

Response: Each grant opportunity has its own set of qualifying criteria, and that criteria will be weighed in determining whether or not the EDC applies.

89. Comment: Corporations have limited liability. If they create harm to residents, there might be nothing to reimburse losses.

Response: One of the positives of the EDC is that it will create a vehicle for the Township to develop blighted properties in its boundaries while deferring liability away from the Township, which is ultimately passed through to its taxpayers. While corporations do have limited liability, they also have insurance that will cover most losses. This insurance will include the builder's risk, which will provide coverage for construction-related items.



90. Question: How many Township/Boroughs in Montgomery County are working on the formation of an economic development corporation now?

Response: We do not have an exact number of how many other municipalities are currently seeking the formation of an economic development corporation.

91. Question: Are there other EDC's in southeast PA? Where? How long have they existed? Are they effective?

Response: Yes, there are successful EDC's throughout Pennsylvania. There are also other entities such as Community Development Corporations and Industrial Authorities, which vary in purpose and scope, but are similar to an EDC. Hatfield Township and Pottstown Borough have two of the most active organizations in Montgomery County.

92. Comment: No corporation is to steal money.

93. Comment: Would love to see that corner be demolished and turned into a town center. Be pedestrian friendly!

94. Comment: Tell me when you even tried to set up a mechanism where residents could meet or even just write in & share their ideas for Old York & Susquehanna. Some have been waiting to be asked but you have refused to enable discussions. Please spend your \$345 per hour setting up mechanisms for citizens to participate in all of their government - like this.

UNANSWERED QUESTIONS

The responses to the questions below are forthcoming and this document will be updated as those answers are provided.

Question: Even a non-profit organization must cover expenses & have adequate sources of income. What on-going sources of income have been identified and how will shortfalls be covered?

Question: How many Township/Boroughs in Montgomery County have economic development corporations now?

Question: What case studies of other EDC's in the state, especially in similar communities have been identified and evaluated? Successes? Failures?

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