

Police Officers Swearing-in presentation began at 6:51 p.m.

Chief Molloy said it is his distinct honor to introduce our two newest police officers Daniel Burgmann and Aaron Houston who achieved permanent civil service appointments after one year of examination.

Police Officer Daniel Burgmann is 29 years old and was born and raised in Northeast Philadelphia and comes from a family of law enforcement officers. His father is Captain Mark Burgmann of the Philadelphia Sex Crimes Unit. Dan is a graduate of Roman Catholic High School in 2008 and was an Eagle Scout. He attended Lackawanna College and LaSalle University and his previous employment was with SEPTA Police, and just after one year, he was assigned to the Special Investigative Unit.

Police Officer Aaron Houston is 34 years old and was born and raised in Abington Township and currently resides in Abington. He was a graduate of Abington Senior High School in 2003. He has an Associates Degree from Montgomery County Community College and a Veteran of the U.S. Marine Corp and continues to serve in the Reserve Unit.

The Honorable Magisterial District Judge Juanita A. Price administered the Oath of Office to Daniel Burgmann before the Board of Commissioners of the Township of Abington on this 13th day of February 2020.

The Honorable Magisterial District Judge Juanita A. Price administered the Oath of Office to Aaron Houston before the Board of Commissioners of the Township of Abington on this 13th day of February 2020.

Presentation ended at 7:01 p.m.

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, February 13, 2020 at the Township Administration Building, Abington, PA, with President Spiegelman presiding.

CALL TO ORDER: 7:04 p.m.

ROLL CALL: Present: Commissioners THOMPSON, BRODSKY, BOLE, CARSWELL, ROTHMAN, LUKER, MYERS, ZAPPONE, DiPLACIDO, VAHEY, SCHREIBER, HECKER, SPIEGELMAN
Excused: BOWMAN, WINEGRAD

Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Finance Director HERMANN
Director of Engineering MONTGOMERY

THE PLEDGE OF ALLEGIANCE WAS FOLLOWED BY A MOMENT OF SILENCE IN HONOR OF THE PASSING OF FORMER PUBLIC WORKS DIRECTOR MR. ED MICCIOLO

BOARD PRESIDENT ANNOUNCEMENTS: None.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

Lora Lehmann, 1431 Bryant Lane, expressed concern about permit fees that she feels is an “extra tax.”

CONSENT AGENDA:

Vice President Hecker made a MOTION, seconded by Commissioner Vahey to approve Items a. – i. as listed under Consent Agenda as follows:

To approve the Minutes from the Board of Commissioners Organizational Meeting of January 6, 2020 and the Board of Commissioners Regular Meeting of January 9, 2020.

To approve the Subdivision Application for a lot line change for the properties located at 1528 and 1540 Bryant Lane, Meadowbrook, PA.

To advertise Ordinance No. 2172, amending Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” Section 14 – “Stop Intersections,” and Article III – “Parking Regulations,” Section 25 - “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here to Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing,” Section 26 – “Parking Prohibited During Certain Hours,” and Section 28 – “Special Purpose Parking Zones” to add speed limits on Oak Hill Drive and Hidden Pond Drive; add “Stop” Intersections on the east and west side of Shoemaker Road at Edmund Road and on the east and west side of Ferndale Avenue at Rubicam Avenue; add “No Parking” on both sides of Huntingdon Pike and the east side of Lindsay Lane; add No Parking Here to Corner on the east side of Kelly Lane; add No Parking M-F 8 a.m.-5 p.m. on Lindsay Lane – west side and add Handicapped Parking on Tyson Avenue.

To approve investments for the month of December 2019. It was noted that investments for the month of totaled \$1,366,000.00. Interest rate yields ranged from 1.60% to 1.75%.

To approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of December as previously circulated to the Board. Clearing fund receipts and disbursements for the month of December 2019 were \$2,571.98 and (\$6,049.46), respectively. Deferred Revenue/Expense receipts and disbursements for the month of December 2019 were \$22,425.00 and (\$6,056.90), respectively.

To approve the Advance and Travel Expense activity for December 2019 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$1,390.25, respectively. Twelve-month expenses totaled \$50,504.05.

To adopt Resolution No. 20-008 authorizing the Finance Director and his/her designate to invest Township funds in any and all such financial institutions as permitted by First Class Township Code.

To ratify Managed Care Consultants as the broker of record for all Medicare lines of coverage.

To adopt Resolution No. 20-009 authorizing the disposition of certain Tax Office records as set forth in Exhibit “A.”

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 13-0.

UNFINISHED BUSINESS:

Item AHIC-01-021320 – Consider appointment to the Township Zoning Hearing Board and adopt Resolution No. 20-011:

Commissioner Carswell nominated Laura Hanes as member of the Zoning Hearing Board, seconded by Commissioner Thompson.

President Spiegelman asked for any other nominations. There were none.

Vice President Hecker made a MOTION, seconded by Commissioner Bole to close nominations.

MOTION to close nominations – PASSED 13-0.

President Spiegelman made a MOTION, seconded by Commissioner Vahey to adopt Resolution No. 20-11 appointing Laura Hanes as member of the Abington Township Zoning Hearing Board.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 13-0.

NEW BUSINESS:

Public Affairs Committee –

Item PA-03-021320 – Convene public hearing on and consider adopting Resolution No. 20-010 approving the transfer of Restaurant Liquor License No. R-11777 into the Township of Abington from Bridgeport Borough:

President Spiegelman opened public hearing at 7:13 p.m.

Solicitor Clarke explained that this is a public hearing for liquor license transfer application to transfer restaurant Liquor License No. R-11777 from the municipality of Bridgeport Borough, Montgomery County into Abington Township. The applicant is Rare Hospitality International Incorporated. The property which is the subject of this hearing is for the application of inter-municipal transfer of a liquor license to the applicant's business Longhorn Steakhouse at 817 Old York Road, Jenkintown, Abington Township. The hearing is being held for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer liquor license into the municipality of Abington Township.

This application was submitted by Ellen Freeman Esquire of Flaherty and O'Hara and was received by the Township on January 7, 2020. The Pennsylvania Liquor Code requires that the Township render a decision within 45 days of submission of a complete application or in the alternative with additional 60-days at the Township's election with written notice to the applicant. His office notified the applicant's attorney of the Township's intent to hold a hearing on the application this evening, which is within the statutory time requirements, and we have reviewed and found the application to be substantially complete.

The Pennsylvania Liquor Code sets forth certain mandatory provisions with respect to processing applications for inter-municipal transfer of liquor license – Section 4-461B3 of the Liquor Code provides that an inter-municipal transfer of a license must first be approved by the governing body of the receiving municipality when the total number of existing restaurant liquor licenses and eating place retail dispenser licenses in the receiving municipality equals or exceeds one license per 3,000 inhabitants. We have contacted the Quota Department of the Pennsylvania Liquor Control Board and they confirmed that Abington Township has in excess of licenses per 3,000 residents.

Section 4-461B3 further states that “Upon request for an inter-municipal transfer at least one public hearing shall be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer a license into the municipality.”

Accordingly, the PLCB may not approve a new license unless the Township first holds a public hearing and approves the inter-municipal transfer application. The Township is required to render its decision by resolution or ordinance and we have provided for the Board a copy of a resolution approving the transfer and a copy of a resolution denying the transfer. The application has been advertised consistent with the liquor code on January 30, 2020 and on February 6, 2020. The applicant is represented this evening by Ellen Freeman, Esquire.

Ms. Freeman provided to the Board of Commissioners an exhibit of a presentation booklet of photos and information about the applicant, and stated that she represents Rare Hospitality International Incorporated doing business as Longhorn Steakhouse, in which they are requesting a resolution in order to transfer a liquor license currently located in Bridgeport Borough and move it into the Township. They are under lease to construct Longhorn Steakhouse Restaurant at the former Chilies Restaurant at 817 Old York Road. The booklet shows what the restaurant will look like as well as proposed menu and a draft of the floor plan.

Longhorn Steakhouse is a fairly well-known restaurant under the umbrella of Darden Restaurants a popular restaurant chain that includes the Olive Garden, Bahamas Breeze, Capital Grille and others. Longhorn is also a family-friendly restaurant with kids menu and wide variety of options for adults. The liquor license is a compliment to their food and not the main attraction in which there was a check of alcohol sales of other Longhorn Steakhouse Restaurants in Pennsylvania and it is 9.6%. All servers, bartenders and wait staff will be handling the sale of alcohol and will get RAMP certification and go through Darden's extensive internal training policies to insure that anyone who looks under the age of 35 is carded and to question the patron if they are unsure if it is a real ID. They are also cognizant of children sitting at a table along with adults who are drinking to make sure none of it is getting into the hands of underage patrons.

Hours of operation will be Sunday-Thursday from 11 a.m. – 10 p.m. and Friday-Saturday from 11 a.m. to 11 p.m. and only serve lunch and dinner. They are looking to open the restaurant by late 2020 in December, and they hope to do that with serving alcohol.

President Spiegelman asked for any comments from Commissioners.

Commissioner Thompson commented that the application notes a number of infractions for under-age drinking and he asked about the training program for employees.

Ms. Freeman replied there was one from 2018 and the others were prior to 2008. In 2008, they had a restructuring devised of an intensive policy where all of their associates had to go through and any new hires go through a six-week training program where each time they are on staff there is a 15-20 minute meeting prior to their shift and they review the policies. They have made mistakes in the past and have taken it very seriously.

One of the policies instituted was a "no-tolerance" policy for employees in that if they do not card someone when appropriate or get cited for it they are instantly terminated and the employees are aware of that policy and since 2018, there have been no sales to minors.

Commissioner Vahey questioned whether Longhorn will only occupy the former Chilies footprint or will it expand.

Ms. Freeman replied she understands that it will expand slightly onto the Yogurt Shop next door, but not encompass the entire space and still maintain it as a small shop. The pizza shop will remain a tenant.

Commissioner Vahey said he reviewed the list of existing liquor licenses in the Township and Chilies did not have one. Was it transferred out or expire?

Ms. Freeman replied it was transferred out.

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

President Spiegelman closed public hearing at 7:24 p.m.

Commissioner Brodsky made a MOTION, seconded by Commissioner Bole to adopt Resolution No. 20-010 approving the transfer of Restaurant Liquor License No. R-11777 into the Township of Abington from Bridgeport Borough consistent with tonight's presentation.

MOTION was ADOPTED 13-0.

Item PA-02-021320 – Motion to approve the Township submitting to renew for LEED for Cities recertification:

Commissioner Brodsky made a MOTION, seconded by Vice President Hecker to approve the Township submitting to renew for LEED for Cities recertification.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 13-0.

Item PA-01-021320 – Motion to adopt Resolution No. 20-007, Circuit Trails – Complete 500 miles of Trails in the Greater Philadelphia Region by 2025:

Commissioner Brodsky made a MOTION, seconded by Commissioner Luker to adopt Resolution No. 20-007, Circuit Trails – Complete 500 miles of Trails in the Greater Philadelphia Region by 2025.

President Spiegelman asked for any comments from Commissioners. There were none.

MOTION was ADOPTED 13-0.

Public Works Committee -

Item PW-01-021320 – Motion to consider Resolution No. 20-006, Township of Abington Act 537 Plan Revision:

Commissioner Rothman made a MOTION, seconded by Commissioner Vahey to consider adopting Resolution No. 20-006, Township of Abington Act 537 Plan Revision.

President Spiegelman asked for any comments from Commissioners.

Commissioner Thompson said to-date, he has not received any written response from Aqua on his questions and subsequently he asked a few questions to Township staff in which he received a response, but hasn't had much time to fully digest those responses. He requested not taking any action on this matter tonight and table the motion until such time the Board is comfortable with those responses from both Aqua and Township staff.

Also, Jenkintown Borough officials first heard this matter on January 22, 2020 and it was brought up again at their Public Works meeting last night and Jenkintown officials will consider voting on it at their meeting on February 26, 2020. There is only a two week gap between Abington and Jenkintown to consider adopting the resolution, so we are not really putting a hardship on Cheltenham officials by taking our time in doing our due diligence.

Commissioner Rothman supported Commissioner Thompson's view and approach to this matter and thanked him for taking the lead on it.

Commissioner Myers questioned whether not moving forward will hold up Cheltenham.

Solicitor Clarke replied we do not believe that our action or lack of action will prevent Cheltenham from moving forward in transferring their system to Aqua PA.

President Spiegelman added that is his understanding as well.

Commissioner Myers said that she respects what Commissioner Thompson said and agrees very much in certain ways, but she does not know if this is the place to make the point or whether holding this back truly helps us. Where will Cheltenham be if we do not act on this tonight?

Manager Manfredi replied the sale has already occurred, and if the Township does not pass the resolution, the greater impact will be upon us rather than upon Cheltenham because we have to amend our Act 537 plan. The Board can table it or approve it conditioned upon verification from PADEP that there would be no negative impact to Abington Township or Cheltenham.

Commissioner Myers said this is incompliance with the Act 537 Plan relating to wastewater. Commissioner Thompson and all of us are concerned about the quality of drinking water, but she is not sure what one has to do with the other.

Commissioner Thompson said he submitted four questions to Mr. Wrigley this week and received responses today and that is why he needs more time.

Commissioner Schreiber said original questions by Commissioner Thompson had to do with the drinking water and she understands the concern about it; however, she is not sure holding this up satisfies that in any way and what his other questions were about.

Commissioner Thompson replied his questions related to the wastewater system and the Township's financial obligation; speed and timing/phasing of the work and any financial impact on the Township related to amending Township's Act 537 Plan.

Commissioner Vahey said the Township has certain financial obligations to pay for improvements to Cheltenham's system as a result of its use of their system. Township staff did a phenomenal job of performing tight scrutiny on bills submitted by Cheltenham Township for our payment that brought it down significantly because they were asking the Township to pay for connections that we do not use. He is not sure whether the Township's financial obligation has changed as result of the Act 537 Plan, but the Township is not paying any more than we are obligated to pay for.

Manager Manfredi suggested tabling this to a date-certain to accommodate Commissioner Thompson to have more time to perform due diligence, and it should not have a negative impact on the Township or Cheltenham, although he does not know that definitively.

Commissioner Bole clarified that Commissioner Thompson's concern is potential cost to the Township by passing a resolution that involves a partner with whom we struggled to move forward with and he does not want to paint the Township in a corner by approving it and then baring some cost that may come as a result of passing it when the Township failed to gain leverage in building that relationship with Aqua.

Vice President Hecker suggested that it would be helpful to distribute Commissioner Thompson's questions and Mr. Wrigley's answers to the full Board, and he will be voting in favor of supporting Commissioner Thompson.

Commissioner Thompson noted that Jenkintown Borough had over a month to consider the resolution and this was first brought before our Board last week and it would be worthwhile to do our due diligence.

Commissioner Myers said obviously there is information that the full Board did not receive, which may make a difference in our decision, so she will vote to wait until next month.

Commissioner Thompson made a MOTION to TABLE Item PW-01-021320 to a date-certain of March 12, 2020 at 7 p.m. in this boardroom, seconded by Vice President Hecker.

MOTION was ADOPTED 13-0.

Finance Committee –

Receive Treasurer’s Report:

President Spiegelman noted that Township Treasurer’s report is attached to the agenda as well as posted online for review.

Item FC-02-021320 – Motion to approve the December 2019 expenditures as previously circulated to the Board in the amount of \$3,025,390.15 and salaries and wages in the amount of \$2,172,355.27 and authorizing the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of March 2020:

Commissioner Vahey made a MOTION, seconded by Commissioner DiPlacido to approve the December 2019 expenditures as previously circulated to the Board in the amount of \$3,025,390.15 and salaries and wages in the amount of \$2,172,355.27 and authorizing the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of March 2020.

President Spiegelman asked for any comments from Commissioners. There were none.

Roll call resulted in motion being passed 13-0. Commissioners Winegrad and Bowman were absent during roll call.

PUBLIC COMMENT:

Lora Lehmann, 1431 Bryant Lane, asked for finance reports from finance meetings; that the finance meeting to be televised when the budget is first presented; and that the actuarial report should have been given in her “Right To Know” request. Also, she expressed concern about “taxes on monies that may not get spent in that year.”

Cakky Evans, 1132 Lindsay Lane, EAC Member, thanked the Board for approving the LEED recertification.

Albert Schmidt, 1807 Allen Lane, said many years ago his daughter, Amanda Schmidt was a member of President Spiegelman’s wife’s German class. Back then a bus trip was planned for New York City’s World Trade Center and the bus trip was delayed because those on the bus thought Amanda had permission to go, so the bus missed the Ferry that fateful day when the children were supposed to be in the twin towers at 9 a.m. on September 11, 2001.

Also, he congratulated President Spiegelman as well as Vice President Hecker.

Fran Early, 356 Central Avenue, said we have all received the Township calendar that is full of information.

REMARKS OF COMMISSIONERS:

Commissioner Bole thanked Ward 13 residents who have been attending meetings and connecting and he is grateful for their engagement and questions. He thanked Abington Police Department Officers who kept a situation from escalating. He congratulated the new officers who will be a great addition to the force. Also, for residents of Tague Avenue, there will be a meeting held on Monday, February 24, 2020 at St. Peter's Church in regards to the parking situation and Officer Freed will be in attendance. He reminded everyone that this is Black History Month and Abington has done an amazing job in organizing wonderful events and to check the Abington Free Library's website for information.

Commissioner Carswell thanked her fellow Commissioners on behalf of herself and the neighbors of Ferndale for supporting new traffic enforcement in Ward 10 and the additional set of "Stop" signs will make it a lot safer for the children.

Commissioner Rothman congratulated the new police officers and thanked them in advance for all of the great work they will do on behalf of the residents of the Township. Emails were circulated about police activities going on in Wards 3 and 4 and he thanked them for keeping us in the loop. He wished his wife a "Happy Valentine's Day!"

Commissioner Luker thanked Commissioner Carswell as well as the selection committee for a job well done on making recommendations of appointments to the various Boards and Commissions of the Township that was finalized this evening.

Commissioner DiPlacido said "when driving through Abington Township, please drive like your kids live here."

Commissioner Vahey announced that on March 13, 2020 at the VFW Post 676 the Friends of Glenside/Weldon will be holding a Casino Night to support the construction of new playground equipment at the old Glenside/Weldon Elementary School site. Tickets are \$45. On April 18, 2020 will be the 9th Annual Keep the Parade Running 5K and all proceeds support the Glenside 4th of July Parade and Fireworks. Also, he congratulated his good friend, resident Laura Hanes on her appointment to the Zoning Hearing Board as she will do a great job.

Commissioner Schreiber congratulated our two new police officers and they will do a great job and also to Laura Hanes.

Vice President Hecker said collectively we spend a lot of time responding to the needs of residents, and he read a letter that he received from a resident this past week in regards to the heroic work of the firefighters of the Abington Fire Company whose rapid response to a fire of the resident's detached garage and 40 ft. Norwegian Spruce Tree. They expressed their gratitude and thankfulness of the volunteer firefighters and their leadership. He congratulated Fire Marshal Rohrer and all of the firefighters for a job well done.

President Spiegelman congratulated Police Officers Daniel Burgmann and Aaron Houston for joining the Abington Police Department as well as to Laura Hanes who will be joining the Zoning Hearing Board. Also, Saturday, February 22, 2020 at 9 a.m. in this boardroom will be another public information session on proposed ordinance that would create the Economic Development Corporation. Also, on February 22nd from 9-noon will be "Anything with a Plug" electronics recycling collection event at the Township's Public Works yard on Florey Lane. Also, he wished everyone a "Happy Valentine's Day!"

ADJOURNMENT: 8:07 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The following resolutions were adopted by the Board of Commissioners on February 13, 2020:

- Resolution No. 20-008
- Resolution No. 20-009
- Resolution No. 20-011
- Resolution No. 20-010
- Resolution No. 20-007