

The stated meeting of the Board of Commissioners of the Township of Abington was held as a Zoom webinar and teleconference on Thursday, June 11, 2020 with President Spiegelman presiding.

CALL TO ORDER: 7:02 p.m.

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

Also present via teleconference:
Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Township Treasurer BLUMENTHAL
Director of Engineering MONTGOMERY
Chief of Police MOLLOY

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENTS:

President Spiegelman announced that Land Use Committee Item LU-02-040720 has been removed from agenda.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS:

Lora Lehman, 1431 Bryant Lane, expressed concern that the “farm” issue will impact residents; also since committee meetings are not being held there is no place for public comment.

Jean E. Murphy-Dixon, 1661 Arnold Avenue, commented that the system for public input needs to be improved. She is a Board member of the Willow Grove Community Development Corporation and very concerned about the protests occurring in Abington Township over the past week due to the recent death of Mr. George Floyd. We have been awakened and started a coalition and we look forward to working with members of the Abington Police Department. The type of tactics being launched will improve relations between the wards of the Township while pursuing the idea of community policing. She commended the Abington Police Department for their support and professionalism as we pursue justice for all.

Dino Ditri, 1215 Meinel Road, asked for the reason why agenda item related to 1235 Meinel Road was removed.

Commissioner Brodsky replied to Mr. Ditri to call him later to discuss it.

CONSENT AGENDA:

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

To approve the Minutes from the Board of Commissioners Regular Meeting of May 14, 2020.

To approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of April 2020. Clearing fund receipts and disbursements for the month of April 2020 were \$352.48 and (\$156.36), respectively. Deferred Revenue/Expense receipts and disbursements for the month of April 2020 were \$27.00 and (\$0.00), respectively.

To approve the Travel Expense activity for April 2020. Travel Expense reports were \$3,033.15 and four-month expenses totaled \$14,178.80.

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

MOTION was ADOPTED 15-0.

NEW BUSINESS:

Public Works Committee -

Item PW-01-061120:

Commissioner Rothman made a MOTION, seconded by Commissioner Luker to approve the Third Amendment to Lease Agreement between Township of Abington and Covanta Abington, LLC for the property located at 995 Fitzwatertown Road, Upper Dublin, PA. 19038.

President Spiegelman asked for any comments from Commissioners.

Commissioner Rothman asked for further explanation.

Manager Manfredi replied an agreement was extended twice with Covanta who is the Township's current provider of waste services at the transfer station including hauling. We have priced three different options with respect to the operation of the transfer station. It was the hope to have that placed on the agenda rather than another request for extension; however, in working with the Solicitor's Office and Township staff, we will have better bid documents as well as bids if we allow greater response from those who submit them. Request is for another 30-day extension, and we expect by July we will have qualified bids to be presented to the Board of Commissioners.

Commissioner Rothman clarified that this should be resolved by the July meeting and that would be the time for public comment. Is that correct?

Manager Manfredi replied yes. The reason for the 30-day extension is to secure more accurate bids and it will be on the agenda for the Board to consider award.

MOTION was ADOPTED 15-0.

Land Use Committee –

Item LU-01-061120:

Commissioner Thompson made a MOTION, seconded by Commissioner Luker to ratify Resolution No. 2020-030 establishing guidelines and policy for outdoor sales of food and merchandise of existing businesses in the Township during the Coronavirus pandemic.

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

MOTION was ADOPTED 15-0.

Public Safety Committee –

Item PS-01-061120:

Commissioner Schreiber made a MOTION, seconded by Commissioner Thompson to advertise Ordinance No. 2175, amending Chapter 156 - "Vehicles and Traffic," Article II – "Traffic Regulations," Section 14 – "Stop Intersections," add "Stop" intersections on Hawthorne Road at Elm Avenue and Spruce Avenue at Hamel Avenue.

President Spiegelman asked for any comments from Commissioners.

Commissioner Thompson commented that this was first an experimental stage in a dense neighborhood where it has proven invaluable as it is a much safer environment, and he asked for the Board's support in passing this tonight.

MOTION was ADOPTED 15-0.

Commissioner Myers asked for an update on police matters during this active time.

Chief Molloy said Ms. Murphy-Dixon organized a group within the community and Lt. Fink spoke with her following the peaceful protest held in Crestmont. Police officers have attended four or five protests this past week and it was encouraging to see so many people come together. He looks forward to speaking with Ms. Murphy-Dixon and working with her group.

We took time to reflect on reform that was proposed to us through the six pillars of 21st Century Policing; the IACP (International Association of Chiefs of Police) recommendation; and he signed off on a letter from Attorney General Josh Shapiro in regards to officers who were fired for misconduct and that registry is available to all chiefs in the State.

We published existing policies and procedures related to use of force; chokeholds, and developed a new policy for duty-to-act to address misconduct/excessive force on-scene.

It has always been the philosophy of the police department to be community-oriented policing and we are proud of it. We have the opportunity to address concerns of our citizens and move forward with recommendations. We look forward to working with Ms. Murphy Dixon and others in her group to improve the way we operate in Abington.

Commissioner Luker thanked Chief Molloy for his excellent publication submitted to the residents of Abington Township.

FINANCE COMMITTEE:

Treasurer's Report:

Township Treasurer Jay W. Blumenthal reported that monies deposited into Republic Bank for May 2020 showed a decrease of (\$328,140) as compared to last year; YTD decrease over last year of (\$3,729,440). Real estate taxes collected in May 2020 was in the amount of \$1,651,134 as compared to May 2019 of \$461,959 representing an increase of \$1,189,175.

Item FC-01-061120:

Commissioner Vahey made a MOTION, seconded by Commissioner Carswell to approve the April 2020 expenditures in the amount of \$1,499,137.01 and salaries and wages in the amount of \$1,842,869.05 and authorizing the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of July 2020.

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

Roll call resulted in motion being passed 15-0.

Item FC-04-061120:

Commissioner Vahey made a MOTION, seconded by Commissioner Zappone to ratify and approve the reduction in fee for the Ardsley Daycare Center.

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

MOTION was ADOPTED 15-0.

PUBLIC COMMENT:

Lora Lehmann, 1431 Bryant Lane, expressed concern about not being able to speak on each agenda item since there were no committee meetings. Also, she asked for a troubleshooting method for those who were not called on to speak during the meeting. She asked why the Meinel Road issue was removed from agenda and for a copy of the “farm” documents.

Jean E. Murphy-Dixon, 1661 Arnold Avenue, commented that the community survey sent by Chief Molloy is an effective tool and it was thorough leaving space for open-ended responses, and she encouraged citizens of Ward 5 to provide information so we can make this a better community. She appreciates that Commissioner Luker provided the information and for supporting our cause as well.

Dino Ditri, 1235 Meinel Road, said in regards to the issue at 1235 Meinel Road; Commissioner Brodsky informed residents in the neighborhood that the matter was removed from the agenda, and he will call him after the meeting.

Commissioner Zappone said he has received calls/emails asking when the pools, fields, and community center will be opening, and he asked for that information to be sent to him via email by the Manager.

Board of Commissioners Meeting

June 11, 2020

ADJOURNMENT: 7:43 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

APPROVED

7-09-20

Resolution No. 2020-30 was adopted by the Board of Commissioners on June 11, 2020.

**ABINGTON TOWNSHIP
RESOLUTION NO. 20-030**

**A RESOLUTION OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY,
ESTABLISHING GUIDELINES AND POLICY FOR OUTDOOR SALES OF FOOD
AND MERCHANDISE OF EXISTING BUSINESSES IN THE TOWNSHIP DURING
THE CORONAVIRUS PANDEMIC**

WHEREAS, Governor Wolf issued a Proclamation of Disaster Emergency on March 6, 2020, authorizing political subdivisions to act as necessary within the powers conferred by the Proclamation of Disaster Emergency to meet the exigencies of the emergency; and

WHEREAS, on May 1, 2020, the Governor's Office presented a plan entitled Process to Reopen Pennsylvania which will ease social gathering restrictions in phases based upon public health indicators while requiring ongoing compliance with Centers for Disease Control and Pennsylvania Department of Health guidance for social distancing and workplace safety; and

WHEREAS, federal and state health and regulatory agencies have called for the implementation of safety measures, such as increased workplace ventilation, increased physical distance between employees and customers, and alteration of hours based on building size and number of employees; and

WHEREAS, the safety measures are advanced and made more effective by the temporary allowance of outdoor dining and commercial activity provided such dining and commercial activity occur consistent with all other state and federal statutes, regulations, and orders; and

WHEREAS, pursuant to the Process of Reopen Pennsylvania, when Montgomery County enters the Yellow Phase, the Stay at Home Order is lifted, large gatherings of more than 25 people are prohibited, in-person retail is permitted, with curbside and delivery options preferable, indoor Recreation, Health and Wellness Facilities and Personal Care Services remain closed, and restaurants and bars may open outdoor dining; and

WHEREAS, pursuant to the Process to Reopen Pennsylvania, when Montgomery County enters the Green Phase, large gathering of more than 250 are prohibited, restaurants and bars may open at 50% occupancy for indoor and outdoor dining, Personal Care Services may open at 50% occupancy and by appointment-only, indoor Recreation, Health and Wellness Facilities may open at 50% occupancy, and all entertainment (such as casinos, theaters and shopping malls) may open at 50% occupancy; and

WHEREAS, at all times, regardless of the Phase, all Center for Disease Control and Prevention and Pennsylvania Department of Health guidance and guidelines must be followed by all businesses and residents.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Abington Township, hereby establishes guidelines and a policy for outdoor sale of merchandise and outdoor dining of existing businesses in the Township for a period of ninety days following the enactment of this Resolution in areas on properties where it might otherwise be prohibited provided the following:

1. The enforcement of the following provisions of the Abington Township Zoning Ordinance at Section 2103.A – “Accessory Uses,” Use A17 – “Outdoor Dining,” will temporarily be suspended:
 - a. Subsection 1, related to removable partitions. This subsection shall be temporarily suspended for temporary outdoor dining uses accessory to existing restaurant uses to the extent that it requires removable partitions that demarcate the boundary of the outdoor dining area, prohibits the use of construction barricades, and allows for a maximum partition for ingress/egress of five (5) feet. During the effective period of this resolution, temporary outdoor dining shall require the use of partitions, which may be removable and which may be in the form of construction barriers, and at least six (6) feet shall be provided for ingress/egress.
 - b. Subsection 2, related to pedestrian circulation. This subsection shall be temporarily suspended for temporary outdoor dining uses accessory to existing restaurant uses to the extent that it does not provide a minimum of six (6) feet for pedestrian access. All temporary outdoor dining uses must provide a pedestrian circulation plan that provides at least one ADA accessible route and must provide at least six (6) feet for pedestrian access.
 - c. Subsection 3, related to screening requirements. This subsection shall be temporarily suspended in its entirety for temporary outdoor dining uses accessory to existing restaurant uses.
 - d. Subsection 10, related to parking. This subsection shall be temporarily suspended for temporary outdoor dining uses to the extent that it prohibits the use of parking spaces for outdoor dining uses and prohibits the decrease in the normally required parking spots for an existing restaurant use. All temporary outdoor dining uses may utilize existing parking spaces to accommodate outdoor dining if:
 - i. The use of the parking spaces provides for safe access for customers, employees, emergency responders, and any other individual; and
 - ii. The remaining parking spaces are adequate to accommodate the restaurant use as well as the temporary outdoor dining use; and
 - iii. The applicant demonstrates compliance with the remaining terms of this Resolution; and
 - iv. The applicant is reviewed and approved by the Township Engineer, the Township Fire Marshal, and the Township Police Department.
 - e. Subsection 11, related to the location of outdoor dining uses. This subsection shall be temporarily suspended in its entirety for temporary outdoor dining uses.
2. Retail Sales of Goods and Merchandise:
 - A. During both the Yellow and Green Phase:
 - i. The merchant seeking to use outdoor space to conduct commercial activity shall be responsible for compliance with all state and federal

statutes, regulations, and orders, or as may be amended, as well permission from the landlord or owner of the property. The terms of this resolution and the guidelines to conduct outdoor commercial activity expressly do not excuse merchants from complying with federal and state orders, including but not limited to those relating to COVID-19 mitigation nor pre-existing statutes and regulations such as Pennsylvania Department of Health requirements. The terms of this resolution and the guidelines to conduct outdoor commercial activity and expressly do not excuse compliance with any conditions imposed by the Montgomery County Board of Health. It is the merchant's sole responsibility to ensure compliance with same and, if needed, secure any permission necessary from any agency having jurisdiction over the operations.

- ii. Prior to conducting any outdoor commercial activity, the merchant seeking same shall submit an application, including a plan, to the Township which shows:
 - 1. The proposed location of the outdoor activity along with a parking plan which provides sufficient parking to meet the needs of its customers. If a merchant uses spaces in a parking lot, the merchant shall provide safe separation between its customers and vehicles with the use of physical barriers approved by the Zoning Officer, Police Department and Fire Marshal and shall not occupy any handicapped parking area.
 - 2. The proposed use of sidewalk space, if any, which shall allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalk.

3. Restaurants and Other Food Service Establishments:

A. During the Yellow Phase:

- i. The merchant seeking to use outdoor space to conduct dining shall be responsible for compliance with all state and federal statutes, regulations, and orders, or as may be amended, as well permission from the landlord or owner of the property. The terms of this resolution and the guidelines to conduct outdoor dining expressly do not excuse merchants from complying with federal and state orders, including but not limited to those relating to COVID-19 mitigation nor pre-existing statutes and regulations such as Pennsylvania Department of Health requirements relating to outdoor dining. The terms of this resolution and the guidelines to conduct outdoor dining expressly do not excuse compliance with any conditions imposed by the Pennsylvania Liquor Control Board or the Montgomery County Board of Health or expand, modify or otherwise alter any license issued to the establishment by the Pennsylvania Liquor Control Board or the Montgomery County Board of Health. It is the merchant or business

owner's sole responsibility to ensure compliance with same and, if needed, secure any permission necessary from any agency having jurisdiction over the operations, including but not limited to the Pennsylvania Liquor Control Board and the Montgomery County Board of Health related to outdoor service or consumption of food, beverages or any other product.

- ii. Prior to conducting any outdoor dining, the merchant seeking same shall submit an application, including a plan, to the Township which shows:
 1. The proposed location of the outdoor activity along with a parking plan which provides sufficient parking to meet the needs of its customers. If a merchant uses spaces in a parking lot, the merchant shall provide safe separation between its customers and vehicles with the use of physical barriers approved by the Zoning Officer, Police Department and Fire Marshal and shall not occupy any handicapped parking area.
 2. The proposed use of sidewalk space, if any, which shall allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalk.

B. During the Green Phase:

- i. Any merchant who submitted an application and plan to conduct outdoor dining during the Yellow Phase, pursuant to Section 3(A)(ii)(1) above, must submit a revised parking plan if it intends to continue outdoor dining in addition to indoor dining.
4. The merchant seeking to use outdoor space to conduct commercial activity or dining shall abide by nuisance and noise regulations found in the Abington Township Code.
 5. The merchant seeking to use outdoor space to conduct commercial activity or dining shall comply with all guidance issued by the Pennsylvania Governor's Office, the Pennsylvania Department of Health and the Montgomery County Board of Health with regard to safety and sanitary protocols and social distancing recommendations, as may be amended from time to time.
 6. By submitting a plan, the merchant acknowledges that it does not acquire any vested rights or privileges under the plan and waives any right to continue the permissions granted by the plan beyond the expiration of this Resolution.
 7. This Resolution and its authorization to conduct commercial activity and dining in outdoor spaces shall expire ninety days after its effective date.

RESOLVED and **ENACTED** this ____ day of June, 2020.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

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Richard J. Manfredi

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Richard J. Manfredi,

Township Manager & Secretary

DocuSigned by:

John L. Spiegelman

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By:

John L. Spiegelman, *President*

6/12/2020