

The stated meeting of the Board of Commissioners of the Township of Abington was held as a Zoom webinar and teleconference on Thursday, November 12, 2020 with President Spiegelman presiding.

**CALL TO ORDER:** 6:44 p.m.

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

Also Present: Township Manager MANFREDI  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE  
Township Treasurer BLUMENTHAL

**THE PLEDGE OF ALLEGIANCE WAS FOLLOWED BY A MOMENT OF SILENCE IN MOURNING THE PASSING OF FORMER COMMISSIONER WILLIAM J. LYNOTT**

**BOARD PRESIDENT ANNOUNCEMENTS:**

President Spiegelman announced that an Executive Session was held on November 9, 2020 to discuss a matter of potential litigation.

**PUBLIC COMMENT ON AGENDA ITEMS:**

Lora Lehmann, resident, expressed concern about the amount of public speaking time; she requested the Macy's agenda item to be discussed thoroughly for the public; also, she expressed concern about outsourcing.

**CONSENT AGENDA:**

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

To approve the minutes from the Board of Commissioners Regular Meeting of October 8, 2020.

To approve the Clearing Fund, the Deferred Revenue/Expense activity, and Petty Cash balances for the month of September 2020. Clearing Fund receipts and disbursements for the month of September 2020 were \$1,201.80 and (\$0.00), respectively. Deferred Revenue/Expense receipts and disbursements for the month of September 2020 were \$393,484.92 and (\$400,104.92), respectively.

To approve the Travel Expense activity for September 2020. Travel Expenses were (\$0.00) and the nine-month expenses totaled \$10,166.12.

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

MOTION was ADOPTED 15-0.

**UNFINISHED BUSINESS:**

**LAND USE COMMITTEE UNFINISHED BUSINESS:**

Item LU-01-111220:

Commissioner Thompson made a MOTION, seconded by Commissioner Schreiber to authorize the Solicitor to defend the Township in the two matters brought by Meinel Associates, LLC.

President Spiegelman called on Township Solicitor.

Solicitor Clarke explained that in July 2020, the Board of Commissioners denied the land development application for this property and the owner filed two separate actions; a land use appeal to the Court of Common Pleas and the other is a complaint and mandamus requesting that the court issue an approval. The matter has been referred to the Township's insurance counsel, and if they takeover, Township Solicitor's Office will stand down. Due to certain time limits, we had to file a response and need this action by the Board this evening.

President Spiegelman noted that Commissioner Brodsky of Ward 2 in which Meinel Road is located needed to step out of the meeting for a short time; however, he indicated that he is in favor of the motion.

President Spiegelman asked for any comments from Commissioners.

Commissioner Vahey clarified that this is the same property owner who did nothing for the past three years after the project was approved. Is that correct?

Solicitor Clarke replied that is correct. The applicant received approvals back in 2017 and did nothing for the past three years, so approvals expired.

Commissioner Thompson clarified that the property owner was responsible to file 90-days following initial approval and that never happened. Is that correct?

Solicitor Clarke that is correct. They did not record their plan within 90-days, which could have been extended if there were certain extenuating circumstances, and there were, which pushed it to 150-180 days, but that still does not explain the other two years where nothing occurred.

MOTION was ADOPTED 15-0.

**PUBLIC SAFETY COMMITTEE UNFINISHED BUSINESS:**

Item PS-01-100820:

Commissioner Schreiber made a MOTION, seconded by Commissioner Myers to approve the 4<sup>th</sup> amendment to the customer agreement between Synsys Gatso USA, Inc. and the Township of Abington extending the Automated Red Light Enforcement Program agreement for a five-year term through November 25, 2025.

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

MOTION was ADOPTED 14-1. Commissioner DiPlacido opposed.

**NEW BUSINESS:**

**BOARD OF COMMISSIONERS NEW BUSINESS:**

Item BOC-01-111220:

Vice President Hecker made a MOTION, seconded by Commissioner Bole to adopt Resolution No. 20-051 ratifying the Declaration of Disaster and State of Emergency from October 22, 2020 to October 29, 2020 and approve the Declaration through November 19, 2020.

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

MOTION was ADOPTED 15-0.

Item BOC-02-111220:

Vice President Hecker made a MOTION, seconded by Commissioner Vaughn to approve the stipulation to settle the matter of Macy's Retail Holding Inc. v. the Montgomery County Board of Assessment Appeals.

President Spiegelman called on Township Manager.

Manager Manfredi explained that this assessment appeal has been filed and negotiated and scheduled for court and the Abington School District as well as counsel recommended settling it in a manner that the Board of Commissioners reviewed during Executive Session.

Solicitor Clarke added that the School District has the greatest amount of money at risk and normally takes the lead with respect to tax assessment appeals. In working with their appraiser and what the market currently is especially as it relates to retail in malls, which have been struggling greatly for the past eight months, has assessed the situation and determined that the settlement proposal between the three taxing bodies, the School District, the Township, the County and Macy's is reasonable and in the best interest for all concerned.

President Spiegelman asked for any comments from Commissioners.

Commissioner Myers noted there was public comment made earlier that there is a connection with this motion and the public meeting held with reps of the mall regarding proposed apartments, and this motion has nothing to do with that. Macy's is not owned by PREIT. PREIT is the landlord of the building of the mall, not Macy's.

MOTION was ADOPTED 15-0.

**PUBLIC SAFETY COMMITTEE NEW BUSINESS:**

Commissioner Schreiber made a MOTION, seconded by Commissioner Thompson to advertise Ordinance No. 2178, 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 28 – “Special Purpose Parking Zones,” to add speed limit signs on the 400 block of Susquehanna Road, add “Stop Intersection” on Parkview Avenue at Harding Avenue, Washington Lane at Frog Hollow Road, Pine Avenue at Hamel Avenue and Chestnut Avenue at Ruscombe Avenue, add “No Parking” on Arline Avenue – north side, Hamilton Avenue – east side and Maple Avenue north and south side, remove “No Parking Between Signs” at 282 Tyson Avenue and add “Handicapped Parking” on Grovania Avenue and Brookdale Avenue.

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

MOTION was ADOPTED 15-0.

**PENSION COMMITTEE NEW BUSINESS:**

Item PC-01-111220:

Commissioner Winegrad made a MOTION, seconded by Commissioner Thompson to appoint PFM (Public Financial Management) as the investment consultant for the Police Pension Plan, the Non-Uniform Pension Plan and Other Post-Employment Benefits (OPEB) Plan and enter into a five-year agreement subject to the approval of the Township Solicitor and Township Manager.

President Spiegelman called on Township Manager.

Manager Manfredi explained that the five-year agreement with current investment manager PFM (Public Financial Management) expires tomorrow. Under Act 44, we began the process of evaluating portfolios and various qualifications of investment managers, and after advertisement, we received eight statements of qualifications and proposals in which all eight firms were interviewed by Commissioner Winegrad, Finance Director Hermann and himself. It is recommended that PFM continue for another five-year period as they are bound to meet minimum basis points as agreed to.

President Spiegelman asked for any comments from Commissioners.

Commissioner Winegrad thanked Manager Manfredi, Finance Director Hermann and Tim Clark for their assistance. This contract is in the best interest of the Township as well as the employees, and he is confident that PFM will do its best for Township's pension plans and OPEB.

Commissioner Vahey thanked Commissioner Winegrad who was diligent and faithful in his duty. Regarding public comment made earlier about outsourcing; with the highest respect for our Finance Director and her staff, he does not believe that trading stocks and hiring investment managers is in the capacity of Township staff. This is suitably outsourced and has been for many years, if not always, and this is an appropriate contract that was well-vetted.

MOTION was ADOPTED 15-0.

**FINANCE COMMITTEE NEW BUSINESS:**

Receive Treasurer's Report:

Township Treasurer Jay W. Blumenthal reported for the month of October 2020 deposits of real estate taxes were \$40,974 representing an increase of \$18,028; YTD \$28,678,904, 97% collected with 3% remaining in the amount of \$801,505. Revenues deposited into Republic Bank for the month of October 2020 were \$1,659,395 as compared to last year of \$2,890,878 representing a decrease of (\$1,231,483); YTD was a decrease of (\$1,083,025).

Item FC-02-111220:

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to approve the September 2020 expenditures in the amount of \$4,547,285.94 and salaries and wages in the amount of \$1,926,616.66, and authorizing the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of December 2020.

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

Roll call resulted in motion being passed 15-0.

**PUBLIC COMMENT:**

Lora Lehmann, resident, asked for the public to be educated about proposed apartment building and whether it is financially viable; also, she expressed concern about properties at Old York and Susquehanna Roads being certified as blight.

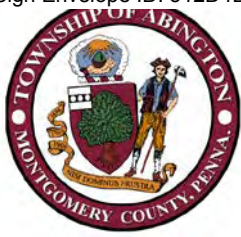
President Spiegelman said that Covid-19 cases are going through the roof everywhere even in Montgomery County, which has been ahead of the curve in keeping things under control. Please stay safe, be well, wash your hands and wear a mask wherever you go.

**ADJOURNMENT:** 7:19 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

Resolution No. 20-051 was adopted by the Board of Commissioners on November 12, 2020.



## TOWNSHIP OF ABINGTON

John L. Spiegelman, *President*  
Thomas Hecker, *Vice President*  
Richard J. Manfredi, *Township Manager*  
Jay W. Blumenthal, *Treasurer*

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### RESOLUTION # 20-051 DECLARATION OF DISASTER AND EMERGENCY

November 12, 2020

**WHEREAS**, COVID-19 has been declared by the World Health Organization and the Centers for Disease Control and Prevention a “public health emergency of international concern”; **and**

**WHEREAS**, both the Commonwealth of Pennsylvania and Montgomery County have declared a state of emergency due to the identification of COVID-19 infected citizens; **and**

**WHEREAS**, on or about March 16, 2020 COVID-19 has caused or threatens to cause injury, damage, and suffering to the persons and property of Abington Township; **and**

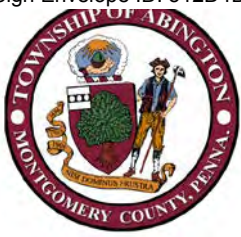
**WHEREAS**, this incident has or is about to continue endangering the health, safety and welfare of a substantial number of persons residing in Abington Township and threatens to create problems greater in scope than Abington Township may be able to resolve; **and**

**WHEREAS**, Section 74-2.A of the Code of Ordinances of the Township of Abington requires that the Board of Commissioners ratify a Declaration of Emergency within seventy-two (72) hours; **and**

**WHEREAS**, emergency measures are required to reduce the severity of this disaster and emergency to protect the health, safety, and welfare of affected residents in Abington Township;

**NOW, THEREFORE**, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S.A, Section 7101 et seq., do hereby declare the existence of a disaster emergency in Abington Township and pursuant to the provision of Chapter 74 - Public Emergencies in the Abington Township Municipal Code, the President of the Board of Commissioners of the Township of Abington is authorized to declare a state of emergency and take any one or more of the specified measures per the legislation, and that the state of emergency in Abington Township is extended, the seventy two (72) duration requirement is waived, and the disaster declaration is affirmed for an additional seven (7) days subject to ratification by the Board of Commissioners at a future date.





**FURTHER**, the Abington Township Emergency Management Coordinator is directed to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this disaster emergency.

**STILL FURTHER**, the Abington Township Manager is to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, and to include, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.

**STILL FURTHER**, the Board of Commissioners hereby waives the provisions of Section 74-2.A of the Code of Ordinances of the Township of Abington to the extent that ratification of the declaration of emergency is required within 72 hours of the declaration, and to the extent that further formal ratification is required pursuant to the Township Ordinance.

This declaration shall take effect immediately this twelfth day of November 2020.

DocuSigned by:  
*John L. Spiegelman*  
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John L. Spiegelman  
President, Abington Township Board of Commissioners

ATTEST: DocuSigned by:  
*Richard J. Manfredi*  
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Richard J. Manfredi  
Township Manager & Secretary

Date: November 12, 2020