

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

CALL TO ORDER: 7:24 p.m.

PRESENT: Commissioners THOMPSON, BRODSKY, BOLE, CARSWELL, ROTHMAN, VAUGHN, MYERS, ZAPPONE, BOWMAN, DiPLACIDO, WINEGRAD, VAHEY, SCHREIBER, HECKER, SPIEGELMAN

CONSIDER APPROVAL OF MINUTES:

Vice President Hecker made a MOTION, seconded by Commissioner Myers to approve the minutes from Board of Commissioners Committee of the Whole Meeting of October 8, 2020.

MOTION was ADOPTED 15-0.

PRESENTATIONS: None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Lora Lehmann, resident, expressed concern about the process as well as the amount of time for public comments on agenda items.

Vice President Hecker explained that following determination of each agenda item, there will be a period of one month for residents to ask questions and gather information, and either at the committee meeting or Board of Commissioners meeting, there will be opportunity for public comment on the item, so more time has been created for additional discussion.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

BOARD OF COMMISSIONERS NEW BUSINESS:

Item BOC-01-121020 - Discuss and consider creating a Martin Luther King, Jr. Day special ad hoc committee:

Vice President Hecker called on Commissioner Carswell.

Commissioner Carswell said on an annual basis, the Township and School District have collaborated on a Martin Luther King, Jr. Day special event, and in the past, it has been held on the school's campus that included presentations by dignitaries and elected officials as well as students from various elementary schools.

This year has presented a few challenges to the norm; however, she does not want to lose the opportunity to recognize this important leader of our country as well as the many leaders who followed in his footsteps that care about civil rights issues. In our Township, there are many organizations and individuals who have done important work in that regard.

She would like to create an annual ad hoc committee that would exist in the fall going into January to plan/host this event. The committee would be a minimum of five members consisting of representatives from the School District, Township Board of Commissioners, the police, the Human Relations Commission and open to the public to invite a number of organizations and individuals to volunteer. This event has had an important existence in our history and she would like to build on it by adding a component of service, and although this year has presented a number of challenges, there are opportunities for social distancing service projects and community engagement. She asked for the Board's support in creating this ad hoc committee.

Commissioner Vaughn said she would like to be part of this committee working with Commissioner Carswell and she knows of organizations that would be willing to work with us.

Vice President Hecker asked Commissioner Carswell how she envisions populating this ad hoc committee on an annual basis.

Commissioner Carswell replied she envisions a minimum of five members, and she would like to be the chairperson of the committee.

Manager Manfredi said we would create a scope of duties for the ad hoc committee, and previously the Board of Commissioners has permitted the committee chairperson to make selections, and if that is the case, he will meet with Commissioner Carswell for further direction.

Vice President Hecker clarified that due to this being presented in November and Martin Luther King, Jr. Day is held in January, we would need to come to a general agreement this evening to move it forward by the Board meeting in December. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Vahey agreed that we need to move expeditiously and it should be moved directly to the Board of Commissioners meeting next month for a final vote, and if we are all in agreement of this ad hoc committee this evening, the Board can ratify it next month.

Manager Manfredi said we can draft a document for circulation for the Board's review in advance of the December meeting as time is of the essence.

Commissioner Myers commented that this is a terrific idea, and for many years, there were only two people who put the program together and it was difficult because the process began after the holidays. She thanked Commissioner Carswell and she fully supports it.

President Spiegelman volunteered his graphic design services that may be needed for the event. He thanked Commissioner Carswell for her initiative and vision for not only saving this important and inspiring event, but also reinvent it for these times is very much appreciated. He will be excited to see what the committee comes up with.

Commissioner Bole also thanked Commissioner Carswell. Would there be any budget implications for the Township?

Commissioner Carswell replied after speaking with former Commissioner Luker who was heavily involved with the planning of this event, she mapped out what work would be involved, and does not anticipate any expenses. There will be staff time needed for hosting Zoom and producing communications on Township website and social media. Regarding the service component, she hopes to encourage various stakeholders throughout the community to host the service projects.

Commissioner Thompson echoed sentiments made by the Commissioners. It is a worthy initiative and he thanked Commissioner Carswell. He supports moving this forward to the Board meeting next month.

Commissioner Rothman commented that Commissioner Carswell is the perfect person to spearhead this and thanked her, and he hopes that those who have time to help, will do so.

Vice President Hecker questioned whether the motion should include designation of the chairperson.

Manager Manfredi suggested approval of an ad hoc committee to be created for the purpose of the Martin Luther King, Jr. Day special event to be chaired by Commissioner Carswell with appointments to be made by the chair and for the formal scope and duties of the committee to be placed on the Board of Commissioners meeting agenda for approval. Chair appointment could be on an annual basis.

Vice President Hecker suggested that in each subsequent year, the Board would reaffirm the chairperson appointment in the fall while providing enough time for the committee to get up and running to plan the event by January.

Manager Manfredi replied the Board could reappoint the chairperson, and if they do not want to continue, they could step down and the Board would appoint a new chairperson.

Commissioner Carswell said details will be spelled out for the Board's consideration in December, and once the ad hoc committee is formed and the event has occurred, there will be a summary afterwards to identify key pieces of the timeline. Also, she plans to provide opportunities for the public to participate/volunteer.

Vice President Hecker made a MOTION, seconded by President Spiegelman to move Item BOC-01-121020 forward for consideration and approval by the full Board of Commissioners at the December 2020 meeting.

MOTION was ADOPTED 15-0.

Item BOC-02-121020 – Discuss and consider creating a Rental Ordinance regulating rentals within the Township:

Commissioner Thompson said he was contacted by a tenant who asked him to look at some issues with the rental property of a single-family home she is living in. Upon entering the porch, there is water damage visible and some early mold growth, and in the basement, the exhaust line that connects the furnace to the outside of the building had a six inch gash in it, so carbon monoxide that is supposed to be ventilating outside of the building was dumping into the basement, which is a life-saving issue. On the backside of the house is an illegal addition and the roof was not planned properly forcing the door on the back of the dwelling to be six feet tall, which is eight inches below code required minimum, so the second means of egress is not up to code. Also, regarding the outside of the illegal addition, he was able to move the block foundation walls with his shoe because there was no mortar in any of the joints, so the addition is not structurally sound.

Living in the home are a pair of grad students with four children and a fifth child on the way, and it is disturbing for a family of this size living in a home that is such an egregious life-saving hazard. This is a wakeup call to do something to protect residents who rent rather than own.

He would like to establish a system that grants licenses to landlords in the Township, and contingent upon receiving a license, the landlord will need to have their rental units inspected by a third-party inspector to make sure units are warm, safe and dry for the tenants to occupy. After review of ordinances from Conshohocken and another Township, inspections could be done on an annual or biannual interval upon tenant turnover. He suggested moving this item to the Land Use Committee next month for further review.

Commissioner Carswell said she appreciates the thoughtfulness behind this, and Commissioner Thompson is not alone in this situation as rental units should be in better shape and landlords need to pay more attention to the space they provide for their tenants. This is an important project for the Township.

President Spiegelman said this has potential to be an innovation in resident protection. How long have the ordinances been enacted in the other Townships?

Solicitor Clarke replied Conshohocken enacted their ordinance in 2013, and he is not sure about the other one.

Commissioner Myers said her concern is property maintenance issues and code enforcement that exists not only in rental properties, but also homeowners, and there is potential for abuse. She would be interested in seeing the ordinance prior to the meeting for a final vote.

Commissioner Thompson said the intention is to begin putting language together to bring before the Land Use Committee for further vetting. He understands the concern about abuse and that will be addressed.

Commissioner DiPlacido said he likes this idea. Would it be a third-party inspector or Township's zoning and code department?

Commissioner Thompson replied it would be a third-party inspection agency of the landlord's choosing.

Commissioner DiPlacido clarified that the landlord would pay for the inspection. Is that correct?

Commissioner Thompson replied that is correct.

Commissioner Schreiber asked about language in the ordinance for a timeframe for inspections.

Commissioner Thompson replied language regarding timeframe for inspections as well as a duration within leases will be included in the draft ordinance to be further discussed in committee.

Vice President Hecker agreed that this item should be remanded to the Land Use Committee and suggested bringing it back before the Committee of the Whole for additional discussion before sending it to the full Board for final vote.

Commissioner Thompson agreed.

Commissioner Vaughn said she also likes this idea; however, she has some reservations about the landlord choosing the inspector as it could be certified o.k. if there is a relationship between them. Would it be possible for the Township to provide a list of authorized third-party inspectors? Also, if there are already those who are living in apartments with issues, would inspections be done in existing situations or would it be just for those newly moving in?

Commissioner Thompson replied we have not yet considered when it would take effect as well as how it would work retroactively; however, we can discuss that moving forward.

Manager Manfredi added that the Township has moved away from providing a list of recommendations, and who would be performing inspections would depend greatly on what is included in the inspection.

Commissioner Bowman shared concern about anyone living in such squalor conditions. One remedy would be to go before the District Justice informing of the violations. He is willing to examine proposed ordinance but expressed concern about it.

Commissioner Schreiber questioned whether this ordinance would be for single-family homes being rented as a home or apartments, and not for apartment buildings.

Commissioner Thompson replied this would apply to both single-family residential dwellings as well as multifamily residential dwellings within the Township. Conshohocken's ordinance indicated multifamily units to be inspected annually and single-family dwellings inspected biannually.

Commissioner Brodsky suggested drafting a statement of legislative intent and circulate it in a memo to the entire Board as well as intended scope and definition of proposed ordinance prior to or concurrent with the committee meeting.

Commissioner Thompson agreed.

Vice President Hecker made a MOTION, seconded by Commissioner Thompson to remand Item BOC-02-121020 back to the Land Use Committee meeting in December, and following discussion, bring it back before the Committee of the Whole who would then make the determination about moving it forward to the Board of Commissioners.

MOTION was ADOPTED 15-0.

Item BOC-03-121020 – Discuss and consider a resolution authorizing the Township Manager to enter into Encroachment agreements:

Commissioner Thompson said this item is a result of stormwater improvements made at Hamel and Monroe Avenues. It was realized that there are Township-dedicated plots existing over stormwater management lines, and these plots are generally undedicated; however, from time-to-time, they are utilized by residents living adjacent to them, and during discussion with a resident about repairs to their fence, this topic came up.

We are seeking a resolution that would formally memorialize the terms and conditions by which the Township allows an entity or individual resident to enter upon Township property and sets forth conditions that they must abide by. This resolution will establish a boilerplate agreement that could be tailored to suit individual concerns while protecting the Township's interest. If an adjoining property owner wants to make use of Township's property directly adjacent to theirs sitting on top of stormwater infrastructure, they may do so, but conditions would be established to protect the Township.

Manager Manfredi added the resolution outlines that this would be an administrative function and sets forth the parameters, so the Board is informed of those conditions.

Commissioner Thompson continued that the intent is to refer this item back to the Land Use Committee for further vetting next month.

Commissioner Myers questioned whether this resolution has already been written.

Manager Manfredi replied yes. He had requested that the proposed resolution be prepared for the Board to review prior to any consideration.

Commissioner Myers questioned whether this is a large or small issue and expressed concern about over-legislating. What is a prime example?

Commissioner Thompson replied this is an occasional issue in Ward 6. The Township has several existing plots over stormwater management infrastructure, and in one case, a resident has adopted the land and created spectacular landscaping on it, and should the Township have a need to enter onto that land to maintain and dig up those pipes, then the planters would be destroyed. The goal is so that if a resident chooses to do that in the future that the Township is not responsible for replacing any personal property applied to Township-owned land.

Commissioner Myers continued that if it is Township-owned land, and if something needs to be done, that should be understood.

Manager Manfredi replied the intent is not to regulate. It is an agreement to allow encroachment on Township-owned property, and if any improvements are made, it will be maintained by the resident at their cost.

Commissioner Myers expressed concern about going in a direction of over-legislating for a few incidents.

Commissioner Rothman said he understands the concept of over-regulation; however, from a legal perspective having something like this would be beneficial in protecting the Township, and he supports it.

Commissioner Carswell said as the committee takes on drafting a sample agreement, we need to look elsewhere in the Township that this might apply to.

Manager Manfredi clarified that a resident wanted to make improvements on Township-owned property, so he contacted Township Solicitor for guidance and suggested was to have this discussion and draft a resolution so the Board would be aware of what authority they would be granting and when he would exercise that authority administratively. Any future situations would be on a case-by-case basis and apply standards set forth by the Board of Commissioners.

President Spiegelman said he understands Commissioner Myers' point regarding over-regulating; however, in general and in this case, this is exactly what the Committee of the Whole is for, and he supports sending this item to the Land Use Committee for a more rigorous analysis.

Commissioner Bole said he also supports sending this item back to the Land Use Committee. It is important to measure the potential volume across the Township because it gives the Board assurance that this has a broader application and data around it, and we need to be mindful of that. The Land Use Committee will need to review the encroachment agreement to determine whether it strikes the right balance between flexibility and specificity as it seems to be too opened-ended; however, the provision that says, “No permanent structures shall be placed on Township property,” is critically important and he agrees that it could be helpful to have this in place for the protection of the Township.

Commissioner Brodsky said encroachment agreements are generally between property owners as they are an intent to resolve property disputes. Is it the intent of this proposed encroachment agreement to limit in scope encroachment between Township and private property owners or broadly enforced for the entire Township between all property owners, and there is the question of cost to survey the property to determine whether or not there is an actual encroachment, and if that is the case, who is responsible for that cost?

Solicitor Clarke replied this is only when a private property owner is encroaching on Township-owned property. It is not for a situation where two private property owners dispute over property lines.

Manager Manfredi added that if a property owner encroaches on Township-owned property, and a survey is required, they would need to pay for it.

Commissioner Thompson said the agreement will be between the property owner and Township on a case-by-case basis, and if there was a demand by the property owner for a survey to establish property lines, the property owner would pay for the cost of the survey or the Township would deny the agreement altogether.

Commissioner Winegrad clarified that there would be no consideration of any money exchanged between the Township and property owner. Is that correct?

Manager Manfredi replied that is correct. This agreement is because he did not feel he has the authority to approve residents making improvements on the Township’s property, and he is requesting that authority be granted with conditions and for the Board to establish criteria of conditions.

Commissioner Bowman agreed that this is a good idea for the Manager Manfredi to have at his disposal.

Vice President Hecker made a MOTION, seconded by Commissioner Thompson to remand that Item BOC-03-121020, a resolution authorizing Township Manager to enter into encroachment agreements back to the Land Use Committee for further deliberation, and once the committee is finished with it, it will move forward to the full Board of Commissioners for consideration and vote.

MOTION was ADOPTED 15-0.

ADJOURNMENT: 8:41 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary