

Abington Township Vacant Property Review Board

Thursday, April 7, 2016

4:00 PM

AGENDA

Welcome and Roll Call:

Approval of minutes and brief discussion of minutes recording and distribution policy.

Guest speaker:

Dave Foster (Bastogne Development Partners) to present on Act 135 Conservatorship.

Distribution of the Code Enforcement vacant property procedural flowchart.

(NOTE: At next month's meeting, the blighted property flowchart will be presented).

Next meeting (Thursday, May 5, 2016, 4:00 PM)

ADJOURNMENT

Abington Township Vacant Property Review Board

Thursday, March 3, 2016
Commencing at 4:08
Township Building Board Room

A. Welcome and introductions:

In Attendance: John Spiegelman, Jerry Nugent, Shaun Littlefield, Bob Greaves, Jim Salanik, Mike Narcowich, Cathy Gauthier, Toby True, Lori Schreiber, Larry Matteo and *special guest appearance by Michael LeFevre*

Larry Matteo opened the meeting by welcoming everyone. Introductions were made around the room.

B. Organization – Election of Officers:

John Spiegelman was unanimously nominated as Chairman of the Committee. Larry Matteo was unanimously nominated as Secretary of the Committee since he had an iPad and was taking notes.

C. Background on Code Enforcement anti-blight efforts:

Larry Matteo explained the start of the Code Enforcement Department and taking over property maintenance complaints which included all vacant residential and commercial buildings. The Board of Commissioners have been extremely supportive by allocating a budget per year for the general maintenance of vacant properties. A lien is then set on the property for the cost of the general maintenance that is done to the property. Larry Matteo explained the language in both Ordinances 2097 and 2098 were previously suggested by staff but was not approved until recently with the support of the Board of Commissioners.

D. Vacant Commercial Properties list of Letters:

The following commercial property owners were sent letters to have them registered pursuant to the Ordinance:

1. 878 Township Line Road, Elkins Park
2. 1706 Old York Road, Abington
3. 1501 Old York Road, Abington
4. 1129 Old York Road, Abington
5. 1352 Easton Road, Roslyn
6. 1180 Easton Road, Roslyn
7. 1356 Easton Road, Roslyn
8. 1376 Easton Road, Roslyn
9. 1124 Old York Road, Abington
10. 1844 Old York Road, Abington
11. 1933 Old York Road, Abington
12. 490 Tyson Avenue, Glenside

Shaun Littlefield explained that the first letters to the property owners who have up to 45 days to register their property first becoming vacant. A non-refundable fee of Five Hundred Dollars shall be imposed for any building registered more than forty-five (45) days after becoming vacant, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township.

Shaun Littlefield stated that two (2) out of the twelve (12) properties have complied with the letter to register.

Shaun Littlefield also stated that we will put all vacant properties on a flow chart from start to finish of time line of vacancy. Shaun added that we are also notified by the Tax Office and Police Department on vacant buildings in the Township.

Commissioner Lori Schreiber gave a brief history of the Patane Properties situated at 1170-1180 Easton Road. Several of these retail buildings have been closed for almost 25 years.

Commissioner Schreiber added that the property is currently on the market for 3 million dollars and the appraisal came in at 1.2 million.

Jerry Nugent, Executive Director stated that the Redevelopment Authority is an independent governmental agency established under Pennsylvania law by the Commissioners of Montgomery County in 1958. The Authority's principal purposes are assisting the County's townships and boroughs in stimulating economic revitalization, with subsequent improvements in economic revitalization.

“Authority” or “Redevelopment Authority” – The Redevelopment Authority of the County of Montgomery, a public body corporate and politic created and organized in accordance with the provisions of the Urban Redevelopment Law.

“Blighted Property” – Any of the following:

- 1. Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with state or local housing, building, plumbing, fire and related codes.**
- 2. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.**
- 3. Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities or equipment required by any applicable housing or building code, has been designated by the department responsible for enforcement of the Code unfit for human habitation.**

4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
5. Any structure from which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
6. Any vacant or unimproved lot or parcel of ground in a predominantly built up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
7. Any unoccupied property which has been tax delinquent for a period of at least two years.
8. Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.
9. Any abandoned property. A property shall be considered abandoned if:
 - a. It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;
 - b. It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or
 - c. The property has been declared abandoned by the owner, including an estate that is in possession of the property.

E. John Spiegelman reached out to the Solicitors in the following form:

- What is the mechanism by which our Code Enforcement Department will gain access to the interior of a vacant property? Per our previous e-mail exchange, it seems that this will likely involve a warrant from the District Judge, so what is the most efficient and expedited means of obtaining such?
- Same question as above, but pertaining to the Fire Marshal.
- Can a code and fire inspection be covered by the same warrant?
- We would like to ensure that a representative of the VPRB can accompany Code Enforcement and the Fire Marshal on their inspection(s). How do we make this happen?
- On a slightly different, but related, note, what is the mechanism by which Code Enforcement and/or the Fire Marshal and/or the VPRB can find out from the various utility companies whether utility services have been shut off to a vacant building? Is this information that the utility companies will provide as a municipal professional courtesy, or does it require some sort of subpoena? If the latter, then how do we go about obtaining such?

F. Jim Salanik will follow up with the Fire Marshal's Office also.

Next meeting will be April 7, 2016 at 4:00 PM

Meeting Adjourned at 5:07 PM

VACANT PROPERTY REGISTRATION: *How It All Happens*



Code Enforcement observes a building that appears to be vacant.



Code Enforcement verifies status with Tax Office.



Code Enforcement sends **vacancy letter** telling owner to register.
NOTE: The clock starts ticking from the *date the vacancy letter is mailed*.



IF OWNER HAS REGISTERED:

Owner must **pay \$500**
or request a waiver.*



Owner must **pay \$1,000**
or request a waiver.*



Owner must **pay \$1,500**
or request a waiver.*



Owner must **pay \$500**
or request a waiver.*

IF OWNER HAS NOT REGISTERED:

Owner must **pay \$500**
+ **\$100–\$500 penalty.****



Owner must **pay \$1,000**
+ **\$100–\$500 penalty.****



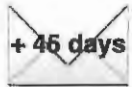
Owner must **pay \$1,500**
+ **\$100–\$500 penalty.****



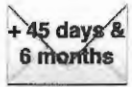
Owner must **pay \$500**
+ **\$100–\$500 penalty.****

IF OWNER WANTS TO APPEAL:

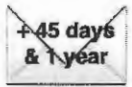
If the owner contends that the building is actually occupied, then the owner has thirty (30) days from the date of the vacancy letter to file an appeal and pay a nonrefundable \$50 fee.



45 days after vacancy
letter is mailed:



45 days + 6 months after
vacancy letter is mailed:



45 days + 1 year after
vacancy letter is mailed:

Every 6 months
after that:

*WAIVER NOTES: An owner may request a waiver on the grounds that the building is about to be occupied or renovated. The owner must submit the initial waiver request in writing to the Township Manager, who will review it and make a recommendation to the VPRB. If the initial waiver is granted, the retroactive effective date of the waiver is the date of the vacancy letter, NOT the date of the first waiver request. The VPRB must consider and render a decision on any waiver within sixty (60) days of receipt of the written waiver request. A maximum of four (4) waivers may be granted for one property. A waiver is good for thirty (30) days.

**In addition to the normal registration fees owed, a penalty of \$100–\$500 may be levied on any unregistered property forty-five (45) days after the date of the vacancy letter and then every six (6) months after that, per §126-10 of Ordinance 2097.

Response or Action Taken for Vacant Properties - Updated 4/6/16

	Property Address	Property Owner	Registered?	Response?
1	490 Tyson (Beer Distributor)	MARY R. MASSINO	NO	Response from attorney sent to Mark Penecale
2	2602 Jenkintown (Bar)	MARY R. MASSINO	NO	Waiting on letter from attorney stating property is >60% occupied
3	878 Township Line	BOBBIE KIESER	NO	1/7/16 Notice sent. Wrong address, letter sent 3/7/16, follow up 4/11
4	1933 Old York	ISABELLA BRACCIA	YES	1/21/16 Registered, paid \$500.00 registration fee. Follow up 7/21/16
5	1170-1180 Easton	PATANE ELIZABETH LIVING T	YES	1/28/16 Received registration (no fee rec'd). Notice sent 3/28/16 for fee req'd.
6	1356 Easton	NICHOLAS DELLAGUARDIA	NO	1/21/16 MAP spoke to DellaGuardia, waiting on U&O for storage
7	1376 Easton	AJILE 1376 LLC	NO	3/30/16 letter sent for failing to register property and paying reg fee
8	1129 Old York	OLD YORK ROAD PARTNERSHIP	NO	sent letter to new address 3/7/16 (follow up 4/18)
9	1352 Easton (bar)	NICHOLAS DELLAGUARDIA	NO	In legal process between tenant and owner
10	1124 Old York (bike shop)	KIM WHI GON & KYONG SUK	YES	Registration rec'd 3/23/16; follow up 5/11/16