



# TOWNSHIP OF ABINGTON

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## ADMINISTRATIVE CODE AND LAND USE COMMITTEE

*Ben Sanchez, Chair  
Ken Brodsky, Vice-Chair  
Carol Gillespie  
Mike Thompson  
Jessica Carswell*

### **A G E N D A** **December 5, 2018** **7:00 P.M.**

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1. CALL TO ORDER
2. CONSIDER APPROVAL OF MINUTES
  - a. Motion to approve the minutes of the October 3, 2018 Administrative Code and Land Use Committee Meeting.
3. PRESENTATION
4. UNFINISHED BUSINESS
5. NEW BUSINESS

ADMINISTRATIVE CODE AND LAND USE COMMITTEE    *COMMISSIONER KEN BRODSKY, VICE-CHAIR*

- a. **ACL-01-121318**    Consider a motion approving the Mediplex Property Group, LLC Land Development application for the properties located at 1863 and 1865 Guernsey Avenue, 1854 and 1856 Eckard Avenue and 1137, 1141, 1145 and 1151 Old York Road, Abington, PA.
  - b. **ACL-02-121318**    Consider a motion approving the Subdivision Application for a lot line change by HARRISE YARON and Jennifer Parke, and Ayinke Hipps-Feit and Seith Feit for properties located at 936 Moredon Road and 979 Dale Road, Meadowbrook, Abington, PA.
  - c. **ACL-03-121318**    Consider a motion to appoint Campbell Durrant Beatty Palombo & Miller, P.C. as Township Labor Attorney/Employment Counsel at the hourly rates included in Option B of their proposal.
6. PUBLIC COMMENT
  7. ADJOURNMENT



## ADMINISTRATIVE CODE AND LAND DEVELOPMENT

### AGENDA ITEM

November 27, 2018

DATE

ACL - 01-121318

AGENDA ITEM NUMBER

Engineering and Code

DEPARTMENT

#### FISCAL IMPACT

Cost > \$10,000.

Yes

No

#### PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

#### AGENDA ITEM:

Land Development Application LD-18-05, Mediplex Property Group, LLC, 1863 and 1865 Guernsey Avenue, 1854 and 1865 Eckard Avenue and 1137, 1141, 1145 and 1151 Old York Road, Abington, PA

#### EXECUTIVE SUMMARY:

The applicant proposes a reverse subdivision for the purpose of merging the eight properties into one deed. In addition, land development approval is required for the construction of a proposed two-story medical office building totaling 20,000 square feet. The proposed development will have access drives on both Guernsey and Eckard Avenues. The applicant proposes 100 on-site parking stalls, on-site storm water management and 20-foot wide residential buffer. A special exception was granted by the Zoning Hearing Board of the Township for the Medical Office Use (Use F-2) and to allow vehicle parking within a portion of the property zoned within the R-4 Residential District. The balance of the property is zoned within the Main Street Village Center District of Ward No. 7 of the Township of Abington.

#### PREVIOUS BOARD ACTIONS:

Applicant made a presentation to Planning Commission on October 23, 2018. They will be at the Planning Commission meeting on December 11, 2018 for a recommendation of approval.

#### RECOMMENDED BOARD ACTION:

Consider a motion approving the Mediplex Property Group, LLC Land Development application for the properties located at 1863 and 1865 Guernsey Avenue, 1854 and 1856 Eckard Avenue and 1137, 1141, 1145 and 1151 Old York Road, Abington, PA.



# Township of Abington

Engineering & Code Department

Wayne C. Luker, President  
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*  
Amy R. Montgomery, P.E., *Director*

## Subdivision & Land Development Notice Plan Review LD-18-05

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Engineering & Code Committee and Board of Commissioners, to discuss the application of **Mediplex Property Group Abington, LLC**.

MEETINGS	DATE AND TIME
Planning Commission Committee	November 15, 2018 @ 7:30 p.m.
Engineering & Code Committee	December 5, 2018 @ 7:00 p.m.
Board of Commissioners	December 13, 2018 @ 7:30 p.m.

This is the application of **Mediplex Property Group Abington, LLC** for the properties located 1863 & 1865 Guernsey Avenue, 1854 & 1856 Eckard Avenue and 1137, 1141, 1145 & 1151 Old York Road, Abington Pa. The applicant proposes a reverse subdivision for the purpose of merging the eight properties into one deed. In addition, land development approval is required for the construction of a proposed two story medical office building totaling 20,00 square feet. The proposed development will have limited access drives on both Guernsey and Eckard Avenues. The applicant proposes 100 on-site parking stalls, on-site storm water management and 20-foot-wide residential buffer. A special exception was granted by the Zoning Hearing Board of the Township for the Medical Office Use (Use F-2) and to allow vehicle parking within a portion of the property zoned within the R-4 Residential District. The balance of the property is zoned within the Main Street Village Center District of Ward #7 of the Township of Abington.

The application and plans submitted on September 21, 2018 are on file in the Engineering & Code Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1010.

Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington

- ***These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.***

**Township of Abington**  
**APPLICATION FOR APPROVAL OF PLAN**

Submission Date September 21, 2018

Application No. LD-18-05

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Land Owner

Title of Plan Submitted: Preliminary / Final Reverse Subdivision and Land Development Plan - Mediplex Abington

A. Plan Type:

- |   |   |
|---|---|
| <input type="checkbox"/> Minor Subdivision                    | <input type="checkbox"/> Minor Land Development         |
| <input type="checkbox"/> Preliminary Major Subdivision        | <input type="checkbox"/> Pre Major Land Development     |
| <input type="checkbox"/> Final Major Subdivision              | <input type="checkbox"/> Final Major Land Development   |
| <input checked="" type="checkbox"/> Preliminary Major SD & LD | <input checked="" type="checkbox"/> Final Major SD & LD |

B. Plan Identification:

Plan Dated: September, 2018      Engineer: Linn Architects (Attn: Adam Powell, P.E.)

Plan Proposes: Brief narrative of the proposed activity. Commercial applications to include building square footage and specific uses; Residential applicants to include number of lots and amount of dwelling unit types:

F-2 Medical Office Building consisting of 20,000 square feet with associated parking.

C. Property Identification:

Address/Location 1863 & 1865 Guernsey Ave., 1854 & 1856 Eckard Ave., and 1137, 1141, 1145 & 1151 Old York Road, Abington Township; Montgomery County, PA

between streets Eckard Avenue and Guernsey Avenue

(continued on next page)

**Township of Abington  
APPLICATION FOR MODIFICATION OF PLAN**

Submission Date September 21, 2018

Application No. LD-18-05

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

  
Signature of Applicant

Signature of Land Owner

Title of Plan Submitted: Preliminary / Final Reverse Subdivision and Land Development Plan - Mediplex Abington

A. Plan Type:

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Preliminary Major SD & LD

- Minor Land Development
- Pre Major Land Development
- Final Major Land Development
- Final Major SD & LD

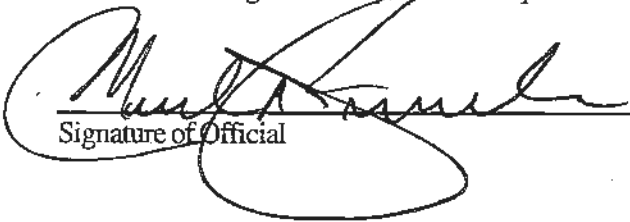
**Regulation Topic**

**Section #**

**Extent of Modification Requested**

Type of Plan Submission	146-9.B and D	To allow major preliminary/final plans to be reviewed as a one stage submission.
Street Improvement Construction Plan	146-11.F(2)	There are no new streets proposed as part of the Project and, therefore, this plan is not applicable.
Phasing Plan	146-11.I	Construction will be completed in one phase and, therefore, this plan is not applicable.
Recreational Facilities Plan	146-11.J	Recreation facilities / open space are not proposed as part of the Project and, therefore, this plan is not applicable.

Fees acknowledged and modification request received:

  
Signature of Official

9/21/18  
Date

D. Applicant Identification:

Applicant Mediplex Property Group Abington, LLC  
 Address 500 Office Center Dr., Suite 400, Fort Washington, PA 19046 Phone (267) 973-8339  
 Attn: Steve Carpey and Jeffrey Goldstein

Land Owner Gremlin Associates, LP  
 Address 1145 Old York Road, Abington, PA 19041 Phone (215) 348-1600  
 c/o Chris Chandor, Esq., 2005 S. Easton Rd., Suite 307, Doylestown, PA 18901

Equitable Land Owner Mediplex Property Group Abington, LLC  
 Address 500 Office Center Dr., Suite 400, Fort Washington, PA 19046 Phone (267) 973-8339  
 Attn: Steve Carpey and Jeffrey Goldstein

Architect Linn Architects c/o Robert H. Linn, AIA  
 Address 1140 N. Providence Rd., Media, PA 19063 Phone (610) 566-7044

Engineer Linn Architects c/o Adam Powell, P.E.  
 Address 1140 N. Providence Rd., Media, PA 19063 Phone (610) 566-7044

Attorney Fox Rothschild LLP c/o Marcel L. Groen, Esquire  
 Address 10 Sentry Parkway, Suite 200, Blue Bell, PA 19422 Phone (610) 397-7987

<u>IMPROVEMENTS PROPOSED</u>	<u>UNITS</u>	<u>ESTIMATED COST</u>
Streets	N/A	N/A
Street Widening	N/A	N/A
Street Signs	N/A	N/A
Street Lighting	N/A	N/A
Curbs	2,356 LSF	\$66,820
Sidewalks	8,688 LSF	\$77,340
Storm Sewers	1	\$195,000
Water Supply	1 (fire & domestic)	\$60,000
Fire Hydrants	N/A	N/A
Sanitary Sewers	1	\$15,000
Monuments	N/A	N/A
Shade Trees	67	\$28,000
Open Space	N/A	N/A
Park Lane	N/A	N/A
Other		
Total Cost:		\$430,160

Fees received from applicant:

Application Fee \$1,000.00  
 Review Escrow 0  
 Total \$1,000.00

Fees acknowledged and application accepted as complete:

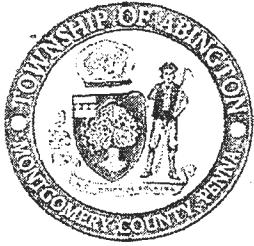
Signature of Official

Date

9/21/2018

check # 1130

Doc # 180000



# Township of Abington

*Engineering & Code Department*

Wayne C. Luker, President  
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*  
Amy R. Montgomery, *P.E., Director*

August 22, 2018

Mr. Jeffery S. Goldstein  
Mediplex Property Group  
500 Office Center Drive/Suite 400  
Fort Washington, Pa. 19034

**Re: Application #18-14: Mediplex Property Group Abington, LLC., for the property 1863 & 1865 Guernsey Avenue, 1854 & 1856 Eckard Avenue and 1137, 1141, 1145 & 1151 Old York Road, Abington, Pa. 19001.**

Dear Mr. Goldstein,

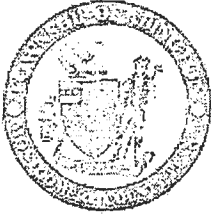
I am pleased to inform you that on August 21, 2018 the Zoning Hearing Board of the Township of Abington approved the special exception you requested to allow for a (F-2) Medical Office use to operate on the above listed properties. In addition, the Zoning Hearing Board ruled favorably for you request that allow vehicle parking to continue within the portions of the above listed properties zoned within the R-4 Residential District.

Moving this project forward will require a reverse subdivision and land development application be submitted to the Engineering & Code Department of the Township of Abington. That application must be submitted within 180 days of that date of this letter. In the event that there are any questions that you may have, please feel free to contact me at 267-536-1010.

Sincerely,

Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington

Cc: Benjamin V. Sanchez; Commissioner Ward #7  
Zoning Hearing Board Members  
Bruce E. Eckel, Esq.  
Engineering & Code Department Staff



Township of Abington  
 Zoning Hearing Board  
 1176 Old York Road  
 Abington, Pennsylvania, 19001

Gertrude M. Hackney, Esq. Zoning Hearing Board, Chairperson  
 John DiPrimio, Zoning Hearing Board, Vice Chairperson  
 Barbara M. Wertheimer, Zoning Hearing Board, Secretary  
 Michael O'Connor, Zoning Hearing Board Member  
 Jose Casalina, Zoning Hearing Board Member  
 Bruce J. Eckel, Zoning Hearing Board Solicitor

DECISION

18-14: This is the application of **Mediplex Property Group Abington, LLC.**, applicant for the properties located at 1863 & 1865 Guernsey Avenue, 1854 & 1856 Eckard Avenue and 1137, 1141, 1145 & 1151 Old York Road, Abington, PA, 19001. The applicants seek a special exception from Section 1005, the Use Matrix of the Zoning Ordinance of the Township of Abington. The applicant proposes to operate a Use F-2 Medical Office Building. In addition, the applicant has filed for an appeal to actions of the Zoning Officer in his determination that the proposed plan constitutes a redevelopment as per Section 1911 of the Zoning Ordinance. In the alternative, the applicant seeks a use variance from Section 602, the Use Matrix to allow parking within the R-4 Residential District. The properties are zoned within the Main Street Low and the R-4 Residential Districts of Ward #7 of the Township of Abington.

Hearing Dates: July 17, 2018 & August 21, 2018  
 Decision Date: August 21, 2018  
 Copy Mailed: August 22, 2018

You are hereby notified that your application has been DENIED/APPROVED/APPROVED WITH THE FOLLOWING CONDITIONS, by decision rendered on August 21, 2018.

BOARD SIGNATURES

Vote

CONDITION


Gertrude H. Hackney, Esq.

Aye:   
 Nay:

John DiPrimio  
 Vice Chairperson

Aye:   
 Nay:




  
Barbara M. Wertheimer, Esq.  
Secretary

Aye:   
Nay:

  
Michael O'Connor

Aye:   
Nay:

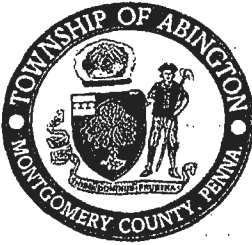
  
Jose Casalina

Aye:   
Nay:

Dated: August 21, 2018

There is a 30-day period after the date of this decision for an aggrieved person to file an appeal in court to contest an approval or denial by the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board approval during the 30-day appeal period, do so at their own risk.

All applicable application and/or permits must be secured from the Township of Abington within six months of the date of this decision or this decision becomes null and void.



# Township of Abington

*Engineering & Code Department*

Wayne C. Luker, President  
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*  
Amy R. Montgomery, P.E., *Director*

Jeffery Goldstein  
Mediplex Property Group  
500 Office Center Drive/Suite 400  
Fort Washington, Pa. 19034

October 16, 2018

Re: Zoning Review of the Reverse Subdivision & Land Development application for 1863 & 1865 Guernsey Avenue, 1854 & 1856 Eckard Avenue and 1137, 1141, 1145, & 1151 Old York Road, Abington, Pa. 19001.

Dear Mr. Goldstein,

All subdivision and/or land development applications are reviewed for zoning compliance and all issues must be addressed to the satisfaction of the Board of Commissioners of the Township of Abington. The plan submitted is for the merger of eight parcels into one and the redevelopment of the property. The proposed plan is for a two story building totaling 19,982 square feet and site improvements to include 100 parking stalls, several landscaped islands, a trash enclosure and an on-site storm water management system. This plan was reviewed and approved by the Zoning Hearing Board of the Township of Abington on August 21, 2018. The Zoning Hearing Board approved the required special exceptions to allow for the Medical Office Use {F-2} to operate within the Main Street Low District and vehicle parking to continue within the portion of the property zoned within the R-4 Residential District.

The property was viewed as a corner property and having two side yard and two front yards. This plan delineates the front yards as Old York Road and Guernsey Avenue. Eckard Avenue is viewed as a side yard. With this mind, the plan complies with both the dimensional and design requirements of Section 1006, Figure 10.19 of the Zoning Ordinance of the Township of Abington. There are several items that must be addressed. They are as follows:

1. The proposed on-site parking stall sizes is shown as 9 feet in width by 18 feet in depth. Abington's current Zoning Ordinance does not define on-site parking stall size, other than for a few defined uses. The prior Zoning Ordinance required on-site parking stalls to be 10 feet in width by 18 feet in depth.
2. Section 2312 of the Zoning Ordinance of the Township of Abington contains off-street loading requirements. The Board of Commissioners have the ability to determine the

number and type of loading area required for this type of use. As a medical office building, I would suggest a parcel drop-off area be added to the plan.

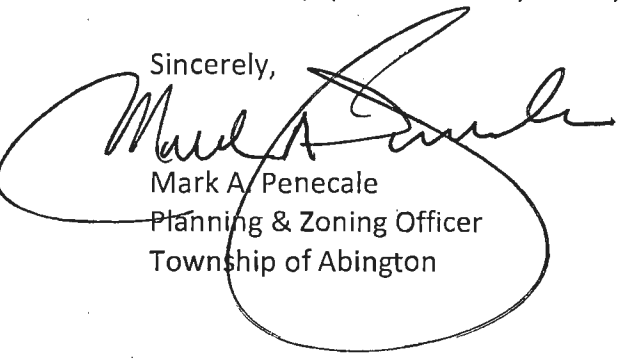
3. Section 2601.H of the zoning ordinance addresses on-site lighting and the dimensional limitations on the type and height of the fixtures proposed to be installed. The plan marked as C-12 complies within the requirements of the zoning ordinance, however, please provide any information available for wall or pedestal mounted light fixtures that are proposed to be installed on the site.
4. Please direct me to the section of the plan set that includes the detail on the verge wall and fencing proposed to be installed along the street frontages and the residential buffer.
5. In accordance with Figure 10.19, the minimum lot width is 100-feet in the MS-L Zoning District. The Zoning Data on Sheet C-4 indicates a lot width of 259-feet is provided, however the widths along Old York Road (S.R. 0611), Guernsey Avenue, and Eckard Avenue are 274 feet, 201 feet, and 365 feet, respectively. The Zoning Data chart shall be revised accordingly.
6. In accordance with Section 2310.F.11, employee parking spaces must be identified within the proposed parking lot.
7. Seventeen (17) existing trees will be removed and 34 trees are proposed to be planted as replacements per Section 2401.A.2.d.(1)(b). In accordance with Section 2401.A.2.d.(1)(b), the replacement trees must be 3 to 3 ½-inches in caliper. The Proposed Plant Schedule on Sheet C-14 must be revised accordingly.
8. In accordance with Section 2402.B.2.c, 7 street trees are required along Old York Road (S.R. 0611) and only 5 are provided. Two (2) street trees are still required along Old York Road (S.R. 0611), and the plan must be revised accordingly. In addition, the notes on Sheet C-14 under Section 2401 B2 C shall be revised to correctly indicate the 21 required street trees per linear street frontage.
9. In accordance with Sections 2402.A.5 and 2403.B.4.a, and Figure 24.5, 10-foot wide medium intensity buffers are required along the perimeter of all parking areas.
  - a. The buffer along Guernsey Avenue shall consist of a 4-foot high decorative, opaque wall or fence with 26 shrubs along 252 linear feet of parking area. A fence and pier street wall is shown on the plan and sixty four (64) shrubs are proposed. A detail of the fence and pier street wall must be provided on the plan, and the fence shall be in accordance with this Section and Section 2403.B.4.a.(6).
  - b. A buffer along Old York Road (S.R. 0611) shall consist of a 4-foot high decorative, opaque wall or fence with 13 shrubs along 130 linear-feet of parking area. A fence

and pier street wall is shown on the plan and thirty-six (36) shrubs are proposed. A detail of the fence and pier street wall must be provided on the plan, and the fence shall be in accordance with this Section and Section 2403.B.4.a.(6).

10. In accordance with Section 2403.B.4.a and Figure 24.5, a 15-foot wide medium intensity buffer is required along the eastern property lines bordering existing residential uses. The buffer shall consist of 8 canopy trees, 8 understory trees, 19 evergreen trees, and 19 shrubs. Ten (10) canopy trees, 8 understory trees, 18 evergreen trees and 19 shrubs are proposed. Therefore, one (1) evergreen tree is still required.
11. In accordance with Section 2403.B.4.h and Figure 24.6, a minimum of three (3) tree species along the eastern buffer is required consisting of a maximum of 30% of one (1) species. Fifty (50) percent of the proposed buffer consists of Eastern White Pine and the landscaping must be revised accordingly.
12. In accordance with Section 2403.C.6.b.(1), an opaque fence or masonry wall with shrubs are required around the perimeter of the proposed trash dumpster. The proposed shrubs are spaced 5-feet apart and shall be revised to be no more than 3-feet apart. Additional shrubs shall also be provided to extend a minimum of 3-feet from either side of the trash enclosure. Consideration should also be given to providing a masonry wall instead of the proposed 6-foot high white, vinyl coated fence.
13. In accordance with Section 2504.F.1, crosswalks shall be provided across the driveways taking access from Guernsey Avenue and Eckard Avenue.
14. In accordance with Section 2601.H.6, all lighting shall be full-cutoff design. Specifications showing the type of lights and design shall be provided on the plan. In addition, please provide specifications and details for any wall or pedestal mounted light fixtures that are proposed on the site.

Please be aware that permits are required for the demolition of the existing buildings on the site. In addition to the demolition permits, utility shut certification are required to be submitted from Aqua and PECO. A separate permit is required for the capping of the sanitary sewer laterals on these properties. A plumbing permits must be applied for by a Master Plumber, registered with this office. All contractors are required to register with the Engineering & Code Office. If there are any questions that you may have, please feel free to contact me at 267-536-1010.

Sincerely,



Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington



**Boucher & James, Inc.**  
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

Fountainville Professional Building  
1456 Ferry Road, Building 500  
Daylestown, PA 18901  
215-345-9400  
Fax 215-345-9401

2756 Rimrock Drive  
Stroudsburg, PA 18360  
570-629-0300  
Fax 570-629-0306

Mailing:  
P.O. Box 699  
Bartonsville, PA 18321

559 Main Street, Suite 230  
Bethlehem, PA 18018  
610-419-9407  
Fax 610-419-9408

[www.bjengineers.com](http://www.bjengineers.com)

November 13, 2018

Ms. Amy Riddle Montgomery, P.E.  
Director of Engineering & Code  
Abington Township  
1176 Old York Road  
Abington, PA 19001

**SUBJECT: MEDIPLEX ABINGTON – 1137-1151 OLD YORK ROAD  
PRELIM/FINAL LAND DEVELOPMENT REVIEW NO. 2  
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA  
PROJECT NO. 1826002R**

Dear Ms. Montgomery:

Pursuant to the Township's request, we have completed our second review of the Preliminary/Final Land Development Plan Application for Mediplex Abington. The submitted information was prepared by Linn Architects and consists of the following items.

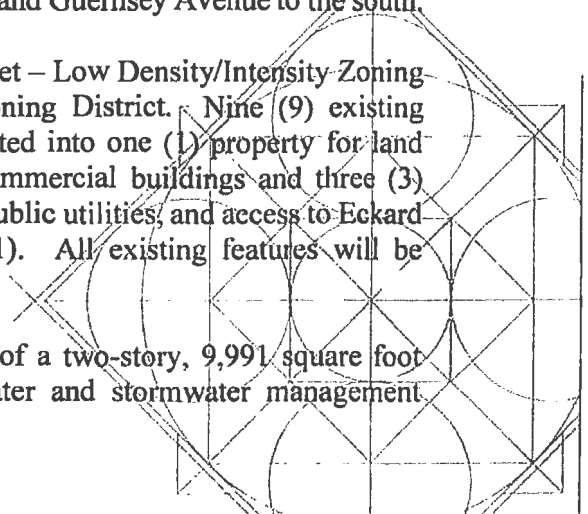
- Response letter dated October 26, 2018.
- Application for Modification of Plan.
- Mediplex Abington Land Development Plan (17 sheets) dated September 21, 2018, revised October 26, 2018.

### **BACKGROUND INFORMATION**

The Applicant, Mediplex Property Group Abington, LLC, is proposing a lot consolidation of and land development on properties located on the western side of Old York Road (S.R. 0611). The existing properties are bounded by Eckard Avenue to the north and Guernsey Avenue to the south.

The existing properties are located within the MS-L, Main Street – Low Density/Intensity Zoning District and the R-4, Medium-High Density Residential Zoning District. Nine (9) existing properties having a total area of 1.65 acres will be consolidated into one (1) property for land development. The existing properties consist of four (4) commercial buildings and three (3) residential dwellings with associated garages, sheds, parking, public utilities, and access to Eckard Avenue, Guernsey Avenue, and Old York Road (S.R. 0611). All existing features will be demolished.

The proposed land development consists of the construction of a two-story, 9,991 square foot building with associated parking, landscaping, and stormwater and stormwater management.



facilities. Access will be taken from both Eckard Avenue and Guernsey Avenue, and public water and sewer will connect to existing utilities within Guernsey Avenue.

Based on our review of the above information and our previous letter dated October 16, 2018, we offer the following comments and/or recommendations for your consideration.

### **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

1. In accordance with Sections 146-9.A and 146-9.B, a final plan is either the second stage plan for a land development which has been approved as a preliminary plan, or a final stage plan for a land development which does not propose public improvements. Public improvements are proposed with this land development plan. ***(From Previous Comment 1) Waivers from Sections 146-9.A and 146-9.B are requested. The Applicant has requested these waivers to permit a preliminary/final plan review.***
2. In accordance with Sections 146-11.A.(4), 146-11.A.(10), and 146-11.B.(3), the existing properties with owners and tax parcel numbers, and the existing zoning districts within 400-feet of the project site, must be shown on the plan. ***(Previous Comment 3) Waivers are now requested from Sections 146-11.A.(4), 146-11.A.(10), and 146-11.B.(3). The Applicant has requested these waivers due to the limited project size and scope.***
3. In accordance with Section 146-11.B.(7), the existing waterlines, sanitary sewer lines, storm sewer lines, electric lines, telephone lines, gas mains, fire hydrants, and streetlights located within 400 feet of the project site must be shown on the plan. ***(Previous Comment 6) A waiver is now requested from Section 146-11.B.(7). The Applicant has requested this waiver due to the limited project size and scope.***
4. In accordance with Section 146-11.C.(5), a notation of areas to be dedicated for public or common use, street widening, park or recreation, or other public uses shall be provided on the plan. The Right-of-Way of Guernsey Avenue and a 10-foot wide section of the Old York Road (S.R. 0611) Right-of-Way (also designated as a 10-foot wide easement for sidewalk and utilities) are being offered for dedication. ***(Previous Comment 8) A note has now been added to Sheet C-4 indicating the 10-foot wide sidewalk easement along Old York Road (S.R. 0611) will be extinguished as part of the right-of-way dedication to PennDOT.***
5. In accordance with Section 146-11.E.(2), an erosion and sedimentation control narrative must be submitted to the Township. ***(Previous Comment 9) An erosion and sedimentation control narrative must still be submitted to the Township. The response indicates the narrative will be provided under separate cover.***
6. In accordance with Sections 146-11.E.(3), 146-43.E.(2), and 146-43.E.(3), erosion and sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt. ***(From Previous Comment 10) The response indicates the approved NPDES permit will be provided to the Township.***

7. In accordance with Sections 146-11.F.(1)(e) and 146-33.B.(1), capacity calculations for the proposed storm sewer must be submitted for review. ***(Previous Comment 11) Capacity calculations must still be submitted for review. The response indicates they will be provided under separate cover with the Stormwater Management Report.***
8. In accordance with Section 146-11.H.(2)(e), a proposed planting schedule indicating the species, number and size of all proposed and required plantings shall be provided on the plan. The landscape counts shall be confirmed and the plan view and/or the Proposed Plant Schedule on Sheet C-14 shall be revised as discussed below. ***(From Previous Comment 16)***
  - a. Our counts have determined that 8 Flowering Dogwood and 7 Honey Locust are shown on the plan, however the Proposed Planting Schedule indicates 7 Flowering Dogwood and 8 Honey Locust are proposed. ***(New Comment)***
9. In accordance with Section 146-11.J.(8), when deemed acceptable by the applicant or developer, a statement for the provision of contribution of fees in-lieu-of recreation facilities, according to resolution established by the Board of Commissioners shall be provided on the plan. A waiver is requested from Section 146-11.J. The request states that recreation facilities and open space are not proposed. ***(Previous Comment 19) A waiver is requested from Section 146-11.J.***
10. In accordance with Sections 146-11.K, 146-11.M.(1)(a), and 146-35.B.(1), a letter certifying availability of public sanitary sewer facilities and an approved Sewage Facilities Planning Module must be provided to the Township upon receipt. ***(From Previous Comment 20)***
11. In accordance with Section 146-11.L, architectural plans of the proposed building must be submitted. ***(Previous Comment 21) The response indicates architectural plans have been provided to the Township.***
12. In accordance with Sections 146-11.M.1.(b) and 146-36.A.(1), a letter certifying availability of public water must be submitted. ***(Previous Comment 22) The response indicates the required letter has been provided to the Township.***
13. An improvement and completion guarantee must be provided in accordance with Section 146-17. A detailed construction cost estimate with specific line items must be submitted for review. ***(Previous Comment 25) The response indicates a construction cost estimate will be provided under separate cover.***
14. In accordance with Section 146-27.E, sidewalks shall be extended to the curblines with ramps for adequate and reasonable access across curbs by physically handicapped persons, including those in wheelchairs. Type 4 handicap ramps are proposed at the driveways taking access from both Guernsey Avenue and Eckard Avenue and at the handicap parking spaces. Handicap ramps shall also be provided and/or upgraded to meet ADA regulations at the intersections of Old York Road (S.R. 0611) with Eckard Avenue and Guernsey Avenue. All handicap ramps shall be provided with painted cross walks. It appears all

ramps may not be designed as Type 4 ramps and the designation shall be revised accordingly. In addition, detailed design, consisting of dimensions, spot elevations, slopes, and associated details shall be provided on the plan for all proposed and/or upgraded handicap ramps. We suggest larger scaled detailed plans be provided for clarity. Review of all handicap ramps will be completed upon receipt of the detailed plans. ***(Previous Comment 26) Detailed design of the handicap ramps have not been submitted. The response indicates detailed design will be provided on the Land Development Plan once finalized and with the PennDOT HOP Plan.***

15. In accordance with Section 146-43.C.(3)(a), cut and fill slopes may not be 15% or steeper. The proposed grading between Guernsey Avenue and the proposed building and along portions of Eckard Avenue are greater than fifteen (15) percent and must be revised. ***(Previous Comment 29) A waiver is now requested from Section 146-43.C.(3)(a). The Applicant indicates a maximum slope of 4 to 1 is proposed due to the existing topography.***

#### **STORMWATER MANAGEMENT ORDINANCE COMMENTS**

The proposed development is located within the Pennypack Creek Watershed and the B Management District. The project site ultimately discharges to the Pennypack Creek which has a Chapter 93 Classification of Trout Stock Fishery with Migratory Fishes (TSF, MF).

16. In accordance with Sections 302.A.6, 302.B.23, 303.A.1, 401.A, 401.D, and 403.A, erosion and sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt. ***(From Previous Comment 30) The response indicates the approved NPDES permit will be provided to the Township.***
17. In accordance with Section 302.B.16, a north arrow must be provided for the Location Maps on Sheets C-16, D-1, and D-2. ***(Previous Comment 34) The north arrow has been added to Sheet C-16 as required. A north arrow is still required for the Location Map on Sheets D-1 and D-2. The response indicates a revised Stormwater Management Report, which includes Sheets D-1 and D-2, will be provided under separate cover.***
18. In accordance with Section 410.E, the curve number utilized for lawn area must be consistent with Table E-2 in Appendix E. In addition, type 'A' soils exist on the project site and must be utilized in the curve number calculations. ***(Previous Comment 36) Revised curve number calculations must be submitted for review. The response indicates the Stormwater Management Report will be provided under separate cover.***
19. In accordance with Section 701.A, a financial guarantee is required for the proposed stormwater management improvements. A detailed cost estimate with specific line items must be submitted for review. ***(Previous Comment 37) The response indicates a cost estimate will be provided under separate cover.***
20. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided. ***The response indicates an operation and maintenance***



*agreement will be provided under separate cover.*

#### **STORM SEWER AND STORMWATER MANAGEMENT DESIGN COMMENTS**

21. The storage volume and bottom surface area utilized in the Dewatering Time calculation are inconsistent with the pond report and plan view and must be revised. *(Previous Comment 40) Revised dewatering time calculations must be submitted for review. The response indicates a Stormwater Management Report will be provided under separate cover.*
22. A time of concentration of 5 minutes has been utilized in all peak flow calculations. Supporting time of concentration calculations and paths must be submitted for review. *(Previous Comment 41) The time of concentration calculations must still be submitted for review. The response indicates a Stormwater Management Report will be provided under separate cover.*

#### **MISCELLANEOUS COMMENTS**

23. Note 4 on Sheet C-1 indicates a new deed description will be written and recorded. The description shall be provided to the Township for review prior to recording. *(From Previous Comment 45) The response indicates a new legal description will be provided to the Township.*
24. Several existing depressed curbs along Guernsey Avenue, Eckard Avenue, and Old York Road (S.R. 0611) are still shown on Sheet C-4. The existing depressed curbs must be removed and replaced with full height curb. The plan must be revised accordingly. *(Previous Comment 52) There are several existing curb cuts not noted to have new curb placed. We suggest a note be placed on the plan in support of proposed full height curb at all existing curb depressions now providing access to the property.*
25. On Sheet C-9, it is noted a discrepancy exists between the depth of HMA base course specified in the Entrance and Driveway Paving Section Detail and the Pavement Restoration Detail. The details shall be revised where necessary. *(Previous Comment 56) The details must still be revised.*
26. On Sheet C-9, the nomenclature of the van accessible and penalties signs in the Handicapped Parking Sign detail must be revised to be consistent with those provided in PennDOT Publication 236. *(Previous Comment 57) The van accessible sign nomenclature shall be revised to be R7-8P per PennDOT Publication 236.*
27. A detail for a right turn only sign must be provided on the plan. As discussed during the presubmission meeting on October 9, 2018, a written sign and not a graphic sign should be utilized. *(Previous Comment 66) The nomenclature for the R3-7-1R Sign Detail on Sheet C-9 must be revised to be R3-7-R per PennDOT Publication 236.*
28. Turning templates for the largest delivery truck, and for a fire truck must be submitted for review. *(Previous Comment 68) Turning templates must still be submitted for review.*

***The response indicates turning templates will be provided under separate cover.***

29. The required highway occupancy permit from PennDOT for construction along Old York Road (S.R. 0611) must be provided to the Township upon receipt. ***(Previous Comment) The response indicates the PennDOT HOP will be provided upon receipt.***
30. As discussed at the presubmission meeting held on October 9, 2018, the driveway taking access from Eckard Avenue shall be reconfigured to include a “pork chop” which will direct traffic in the correct direction along Eckard Avenue which is a one-way street. Associated details must also be provided on the plan. ***(Previous Comment) Associated details (i.e. curb radii, dimensions, mountable curb) in support of the proposed “pork chop” must still be placed on the plan.***
31. All comments received from the traffic engineer, shade tree commission, and fire marshal must be addressed to their satisfaction. ***(Previous Comment 71) This comment has been acknowledged.***
32. The Abington Township Application number (LD-18-05) must be added to all plan sheets. ***(Previous Comment 72) The Abington Township Application number must still be added to Sheets C-13, C-14, and C-15.***

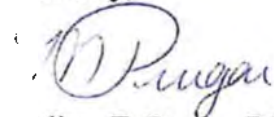
The above comments represent a thorough and comprehensive review of the information submitted with the intent of giving the Township the best direction possible. However, due to the number and nature of the comments, the receipt of a revised plan submission may generate new comments.

In order to facilitate an efficient re-review of revised plans, the Design Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

We recommend the above comments be addressed to the satisfaction of Abington Township prior to approval of the proposed Land Development Plan.

If you should have any questions regarding the above, please call me.

Sincerely,



Melissa E. Prugar, P.E.  
Municipal Engineer

MEP/cg

cc: Richard Manfredi, Manager, Abington Township  
Mark Penecale, Planning & Zoning Officer – Abington Township  
Michael P. Clark, Esquire, Rudolph Clarke, LLC – Abington Township Solicitor  
Jeffrey Goldstein, Mediplex Property Group Abington, LLC – Applicant  
Greylin Associates, LP – Property Owner

Ms. Amy Riddle Montgomery, P.E.  
Abington Township  
November 13, 2018  
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Robert H. Linn, AIA, Linn Architects – Applicant’s Architect  
Adam Powell, P.E., Linn Architects – Applicant’s Engineer  
Marcel L. Groen, Esquire, Fox Rothschild, LLP – Applicant’s Attorney  
Michael Narcowich, Montgomery County Planning Commission

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**Boucher & James, Inc.**  
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

Fountainville Professional Building  
1456 Ferry Road, Building 500  
Doylestown, PA 18901  
215-345-9400  
Fax 215-345-9401

2756 Rimrock Drive  
Stroudsburg, PA 18360  
570-629-0300  
Fax 570-629-0306

Mailing:  
P.O. Box 699  
Barlionsville, PA 18321

559 Main Street, Suite 230  
Bethlehem, PA 18018  
610-419-9407  
Fax 610-419-9408

[www.bjengineers.com](http://www.bjengineers.com)

October 16, 2018

Ms. Amy Riddle Montgomery, P.E.  
Director of Engineering & Code  
Abington Township  
1176 Old York Road  
Abington, PA 19001

**SUBJECT: MEDIPLX ABINGTON – 1137-1151 OLD YORK ROAD  
PRELIM/FINAL LAND DEVELOPMENT REVIEW NO. 1  
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA  
PROJECT NO. 1826002R**

Dear Ms. Montgomery:

Pursuant to the Township's request, we have completed our first review of the Preliminary/Final Land Development Plan Application for Mediplex Abington. The submitted information was prepared by Linn Architects and consists of the following items.

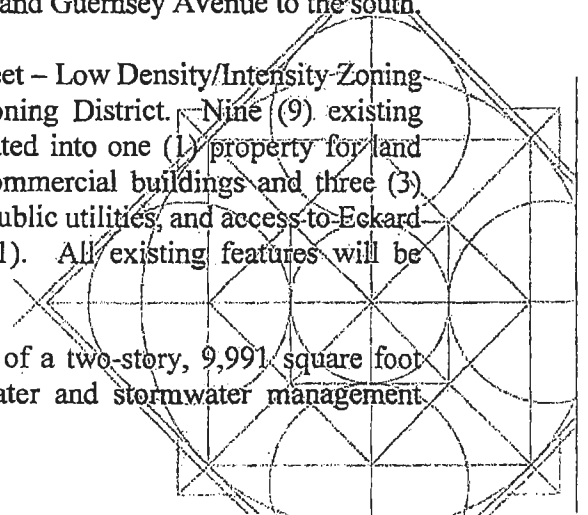
- Abington Township Application for Approval of Plan.
- Abington Township Application for Modification of Plan.
- Preliminary/Final Stormwater Management Report dated September 21, 2018.
- Mediplex Abington Land Development Plan (17 sheets) dated September 21, 2018.

**BACKGROUND INFORMATION**

The Applicant, Mediplex Property Group Abington, LLC, is proposing a lot consolidation of and land development on properties located on the western side of Old York Road (S.R. 0611). The existing properties are bounded by Eckard Avenue to the north and Guernsey Avenue to the south.

The existing properties are located within the MS-L, Main Street – Low Density/Intensity Zoning District and the R-4, Medium-High Density Residential Zoning District. Nine (9) existing properties having a total area of 1.65 acres will be consolidated into one (1) property for land development. The existing properties consist of four (4) commercial buildings and three (3) residential dwellings with associated garages, sheds, parking, public utilities, and access to Eckard Avenue, Guernsey Avenue, and Old York Road (S.R. 0611). All existing features will be demolished.

The proposed land development consists of the construction of a two-story, 9,991 square foot building with associated parking, landscaping, and stormwater and stormwater management.



facilities. Access will be taken from both Eckard Avenue and Guernsey Avenue, and public water and sewer will connect to existing utilities within Guernsey Avenue.

Based on our review of the above information, we offer the following comments and/or recommendations for your consideration.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

1. In accordance with Sections 146-9.A and 146-9.B, a final plan is either the second stage plan for a land development which has been approved as a preliminary plan, or a final stage plan for a land development which does not propose public improvements. Public improvements are proposed with this land development plan. A waiver is requested from Sections 146-9.B and 146.9.D to permit a preliminary/final plan submission, review, and approval. We believe waivers from Sections 146-9.A and 146-9.B are more appropriate.
2. In accordance with Section 146-10.B.(2)(f), a north arrow must be provided for the location maps on Sheets C-0 to C-7 and C-11, C-12, and C-16.
3. In accordance with Sections 146-11.A.(4), 146-11.A.(10), and 146-11.B.(3), the existing properties with owners and tax parcel numbers, and the existing zoning districts within 400-feet of the project site, must be shown on the plan.
4. In accordance with Section 146-11.B.(2), the cartway widths of Eckard Avenue, Guernsey Avenue, and Old York Road (S.R. 0611) must be dimensioned on the plan.
5. In accordance with Section 146-11.B.(6), the location, size, ownership and purpose of all rights-of-way and easement located within the project boundaries shall be shown on the plan. The existing 10-foot wide sidewalk easement must be labeled on all applicable plan sheets.
6. In accordance with Section 146-11.B.(7), the existing waterlines, sanitary sewer lines, storm sewer lines, electric lines, telephone lines, gas mains, fire hydrants, and streetlights located within 400 feet of the project site must be shown on the plan.
7. In accordance with Section 146-11.B.(9)(a), a table indicating the existing soils' development limitations shall be provided. Soils UgB and Ur1B exist on the project site. The Soils Table provided on Sheets C-5, C-6, and C-7 only reference the UgB soils and must be revised accordingly.
8. In accordance with Section 146-11.C.(5), a notation of areas to be dedicated for public or common use, street widening, park or recreation, or other public uses shall be provided on the plan. The Right-of-Way of Guernsey Avenue and a 10-foot wide section of the Old York Road (S.R. 0611) Right-of-Way (also designated as a 10-foot wide easement for sidewalk and utilities) are being offered for dedication.
9. In accordance with Section 146-11.E.(2), an erosion and sedimentation control narrative must be submitted to the Township.
10. In accordance with Sections 146-11.E.(3), 146-43.E.(2), and 146-43.E.(3), erosion and

sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt.

We have the following comments based upon our review of the Erosion Control Plans and Details (Sheets C-6, C-7, and C-8).

- a. A Compost Filter Sock Detail is provided on Sheet C-8. No compost filter sock is shown on Sheets C-6 or C-7 and the detail should be removed.
11. In accordance with Sections 146-11.F.(1)(e) and 146-33.B.(1), capacity calculations for the proposed storm sewer must be submitted for review.
12. Section 146-11.F.(2) requires horizontal and profiles plans, and cross-sections of proposed streets. A waiver from Section 146-11.F.(2) is requested as no new streets are proposed. We do not believe this section applies unless new streets are proposed, and that this section can be removed from the list of waivers.
13. In accordance with Sections 146-11.F.(4)(b)[5] and 146-33.H, a detail in support of the proposed manhole must be provided on the plan.
14. In accordance with Section 146-11.G.(1), the proposed water and sewer line pipe material and size must be provided on Sheet C-11.
15. In accordance with Section 146-11.H.(2)(c), the location, size and type of all proposed shade trees shall be provided on the plan. The unlabeled shade tree at the southeasterly corner of the proposed parking lot must be identified on Sheet C-14.
16. In accordance with Section 146-11.H.(2)(e), a proposed planting schedule indicating the species, number and size of all proposed and required plantings shall be provided on the plan. The landscape counts shall be confirmed and the plan view and/or the Proposed Plant Schedule on Sheet C-14 shall be revised as discussed below.
  - b. Our counts have determined that 1 Japanese Dogwood Multistem and 7 Honey Locust are shown in plan view, however the Proposed Planting Schedule indicates 2 Japanese Dogwood Multistem and 8 Honey Locust are proposed.
  - c. Our counts have determined that 56 Cranberry Cotoneaster, 67 Bennett's Compact Holly, 56 Compact Inkberry Holly, 30 Arrowwood Viburnum, and 23 Leatherleaf Viburnum are shown in plan view, however the Proposed Planting Schedule indicates 54 Cranberry Cotoneaster, 66 Bennett's Compact Holly, 50 Compact Inkberry Holly, 31 Arrowwood Viburnum, and 16 Leatherleaf Viburnum are proposed.
17. In accordance with Section 146-11.H.(2)(f), details of the proposed method of planting and staking shall be provided on the plan. Tree wrap is shown on the Deciduous Tree Planting detail on Sheet C-15. Tree wrap can lead to problems with disease, insects, and freeze injury. The tree wrap shall be removed from the detail or a note placed indicating the wrap

will be removed at the time of planting. General Planting Note 19 on Sheet C-15 must also be revised accordingly.

18. In accordance with Section 146-11.I, a phasing plan is required when construction is planned for different times. A waiver from Section 146-11 is requested as construction will be completed in one (1) phase. We do not believe this section applies and that this section can be removed from the list of waiver requests.
19. In accordance with Section 146-11.J.(8), when deemed acceptable by the applicant or developer, a statement for the provision of contribution of fees in-lieu-of recreation facilities, according to resolution established by the Board of Commissioners shall be provided on the plan. A waiver is requested from Section 146-11.J. The request states that recreation facilities and open space are not proposed.
20. In accordance with Sections 146-11.K, 146-11.M.(1)(a), and 146-35.B.(1), a letter certifying availability of public sanitary sewer facilities and an approved Sewage Facilities Planning Module must be provided to the Township upon receipt. In addition, the Sewage Facilities Planning Module must also be listed under the External Agency Approvals on Sheet C-4.
21. In accordance with Section 146-11.L, architectural plans of the proposed building must be submitted.
22. In accordance with Sections 146-11.M.1.(b) and 146-36.A.(1), a letter certifying availability of public water must be submitted.
23. The Certificate and Acknowledgement of Subdivision and Land Development Plans provided on Sheet C-4 shall be revised to be consistent with that provided in Section 146-12.C.(2).
24. The recording notations in Sections 146-12.E.(1), (2), (3), (4), and (5) must also be provided on Sheet C-4.
25. An improvement and completion guarantee must be provided in accordance with Section 146-17. A detailed construction cost estimate with specific line items must be submitted for review.
26. In accordance with Section 146-27.E, sidewalks shall be extended to the curblin with ramps for adequate and reasonable access across curbs by physically handicapped person, including those in wheelchairs. Type 4 handicap ramps are proposed at the driveways taking access from both Guernsey Avenue and Eckard Avenue and at the handicap parking spaces. Handicap ramps shall also be provided and/or upgraded to meet ADA regulations at the intersections of Old York Road (S.R. 0611) with Eckard Avenue and Guernsey Avenue. All handicap ramps shall be provided with painted cross walks. It appears all ramps may not be designed as Type 4 ramps and the designation shall be revised accordingly. In addition, detailed design, consisting of dimensions, spot elevations, slopes, and associated details shall be provided on the plan for all proposed and/or upgraded handicap ramps. We suggest larger scaled detailed plans be provided for clarity. Review

of all handicap ramps will be completed upon receipt of the detailed plans.

27. In accordance with Section 146-32.A, a concrete monument shall be placed at the northeastern property corner at its intersection with the Eckard Avenue Right-of-Way, and at the southeastern property corner at its intersection with the Guernsey Avenue Right-of-Way.
28. In accordance with Section 146-43.C.(1)(a), all lots shall be graded to provide proper drainage away from buildings, and to drain and dispose of surface water without ponding.
  - a. Spot elevations shall be provided along the proposed building to ensure positive drainage away from the building.
  - b. Low spots are shown at the northeasterly corners of the proposed parking lot adjacent to Eckard Avenue. No inlets are proposed, however four (4), 6-foot wide sections of depressed curb are shown along the curblines adjacent to Eckard Avenue to direct stormwater from the parking lot to Eckard Avenue. The Depressed Curb Detail on Sheet C-9 specifies a 1½" reveal which will not provide for positive discharge from the site. The grading must be revised and/or inlets provided, or curb cuts with no curb reveal and associated spot elevations shall be provided along the curblines.
  - c. The top of grate elevations must also be provided on Sheet C-5.
29. In accordance with Section 146-43.C.(3)(a), cut and fill slopes may not be 15% or steeper. The proposed grading between Guernsey Avenue and the proposed building and along portions of Eckard Avenue are greater than fifteen (15) percent and must be revised.

#### **STORMWATER MANAGEMENT ORDINANCE COMMENTS**

The proposed development is located within the Pennypack Creek Watershed and the B Management District. The project site ultimately discharges to the Pennypack Creek which has a Chapter 93 Classification of Trout Stock Fishery with Migratory Fishes (TSF, MF).

30. In accordance with Sections 302.A.6, 302.B.23, 303.A.1, 401.A, 401.D, and 403.A, erosion and sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt.

We have the following comments based upon our review of the Erosion Control Plans and Details (Sheets C-6, C-7, and C-8).

- a. A Compost Filter Sock Detail is provided on Sheet C-8. No compost filter sock is shown on Sheets C-6 or C-7 and the detail should be removed.
31. The signature block in Section 302.A.14 must be provided on Sheet C-16.
32. In accordance with Section 302.B.13, the property owner name and address must be provided on Sheet C-16.



33. In accordance with Section 302.B.15, a graphic scale must be provided on Sheet C-16. We believe a graphic scale should be provided on every plan sheet.
34. In accordance with Section 302.B.16, a north arrow must be provided for the Location Maps on Sheets C-16, D-1, and D-2.
35. In accordance with Section 308, upon completion of construction, the developer shall be responsible for providing as-built plans of all stormwater management facilities shown on the approved plans.
36. In accordance with Section 410.E, the curve number utilized for lawn area must be consistent with Table E-2 in Appendix E. In addition, type 'A' soils exist on the project site and must be utilized in the curve number calculations.
37. In accordance with Section 701.A, a financial guarantee is required for the proposed stormwater management improvements. A detailed cost estimate with specific line items must be submitted for review.
38. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided.

#### **STORM SEWER AND STORMWATER MANAGEMENT DESIGN COMMENTS**

39. On Sheet C-10, the Infiltration Bed detail specifies a 24-inch diameter pipe, however the profile and calculations utilize a 36-inch diameter pipe. The plan and/or calculations must be revised.
40. The storage volume and bottom surface area utilized in the Dewatering Time calculation are inconsistent with the pond report and plan view and must be revised.
41. A time of concentration of 5 minutes has been utilized in all peak flow calculations. Supporting time of concentration calculations and paths must be submitted for review.
42. The plan must indicate a rating of at least 30 tons for all storm sewer pipe located within the proposed parking lot.

#### **MISCELLANEOUS COMMENTS**

43. On Sheet C-0, the descriptions of Sheets C-2, C-9, and C-15, provided under the Drawing Index, shall be revised to be consistent with the respective plan sheets.
44. The tax parcel number of Premises A, Tract III is inconsistent between the Site Information provided on Sheets C-0 and C-4, and the plan views on Sheets C-1, C-2, and C-3. The plans must be revised accordingly. In addition, tax parcel number 30-277-59 is labeled as Premises 'G' on Sheet C-3. The plan views on Sheets C-1 and C-2 and the Site Information on Sheets C-0 and C-4 must be revised accordingly.
45. The gross area utilized in the Consolidated Area calculation on Sheet C-3 is inconsistent with the total area listed in the Existing Zoning Data on Sheet C-1. The plans must be

- revised accordingly. In addition, Note 4 on Sheet C-1 indicates a new deed description will be written and recorded. The description shall be provided to the Township for review prior to recording.
46. On Sheet C-4, Note 6 must be revised to reflect the correct FEMA map panel (i.e., 401G). This note appears on several sheets and all notes must be revised accordingly.
  47. On Sheet C-4, the area listed for the proposed plaza is incorrect and must be revised.
  48. On Sheet C-4, the title of the signature block of the Board of Commissioners references Council and must be revised accordingly.
  49. The bench detail referenced on Sheet C-4 must be provided on the plan.
  50. On Sheet C-4, a stop sign should also be placed for vehicles travelling along the internal one-way driveway.
  51. The inlet designations and roof drains shown on Sheet C-4 shall be removed from the plan for clarity.
  52. Several existing depressed curbs along Guernsey Avenue, Eckard Avenue, and Old York Road (S.R. 0611) are still shown on Sheet C-4. The existing depressed curbs must be removed and replaced with full height curb. The plan must be revised accordingly.
  53. On Sheet C-5, a four (4) inch curb reveal is shown along the parking row immediately adjacent to the proposed building (at the proposed 499 contour). The spot elevations must be revised to provide a six (6) inch curb reveal.
  54. On Sheet C-5, the spot elevations shown on the handicap parking spaces must be revised to provide slopes of two (2) percent or less as required by the 2010 ADA Standards for Accessible Design.
  55. A six (6) inch reveal is provided along the curbline on Sheet C-5, however an eight (8) inch reveal is specified in the Concrete Curb Detail on Sheet C-9. The grading or detail must be revised.
  56. On Sheet C-9, it is noted a discrepancy exists between the depth of HMA base course specified in the Entrance and Driveway Paving Section Detail and the Pavement Restoration Detail. The details shall be revised where necessary.
  57. On Sheet C-9, the nomenclature of the van accessible and penalties signs in the Handicapped Parking Sign detail must be revised to be consistent with those provided in PennDOT Publication 236.
  58. On Sheet C-9, the Storm Sewer Trench Restoration detail shall be revised to provide a minimum of 12-inches of stone cover over the storm sewer pipe. In addition, 2B stone is no longer specified in PennDOT Publication 408 and the designation shall be revised accordingly.

59. On Sheet C-9, the Trash Enclosure Detail – Fence and Concrete Pad Detail shows curb surrounding the enclosure which is not shown in plan view. The detail must be revised accordingly. In addition, a detail for the bollards referenced in the Trash Enclosure Detail – Fence and Concrete Pad Detail must also be provided on the plan.
60. On Sheet C-10, the grate elevation at Ex. Inlet A shown in the Inlet 5 to Ex. Inlet profile is inconsistent with that shown in plan view. The profile must be revised.
61. On Sheet C-10, Note 8 for Seepage Bed Construction shall be revised to reference 'Township.'
62. The type of concrete utilized for the light pole foundations must be specified on Sheet C-12.
63. It does not appear the proposed storm sewer is shown correctly on Sheet C-14 and the plan must be revised accordingly.
64. On Sheet C-14, a Washington Hawthorn is proposed less than 2-feet from the proposed gas line, and the tree must be relocated. In addition, the water lateral and vault must also be shown on Sheet C-14.
65. The proposed light posts must be shown on Sheet C-14 to confirm and resolve any potential conflicts with the proposed landscaping.
66. A detail for a right turn only sign must be provided on the plan. As discussed during the presubmission meeting on October 9, 2018, a written sign and not a graphic sign should be utilized.
67. Details of the proposed stop bars, driveway centerline striping, parking space striping, typical planting islands, and 10-foot high light posts shall be provided on the plan.
68. Turning templates for the largest delivery truck, and for a fire truck must be submitted for review.
69. The required highway occupancy permit from PennDOT for construction along Old York Road (S.R. 0611) must be provided to the Township upon receipt.
70. As discussed at the presubmission meeting held on October 9, 2018, the driveway taking access from Eckard Avenue shall be reconfigured to include a "pork chop" which will direct traffic in the correct direction along Eckard Avenue which is a one-way street. Associated details must also be provided on the plan.
71. All comments received from the traffic engineer, shade tree commission, and fire marshal must be addressed to their satisfaction.
72. The Abington Township Application number (LD-18-05) must be added to all plan sheets.

The above comments represent a thorough and comprehensive review of the information submitted with the intent of giving the Township the best direction possible. However, due to the number

Abington Township Planning Commission  
October 16, 2018  
Page 9 of 9

and nature of the comments, the receipt of a revised plan submission may generate new comments.

In order to facilitate an efficient re-review of revised plans, the Design Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

We recommend the above comments be addressed to the satisfaction of Abington Township prior to approval of the proposed Land Development Plan.

If you should have any questions regarding the above, please call me.

Sincerely,



Melissa E. Prugar, P.E.  
Municipal Engineer

MEP/cg

cc: Richard Manfredi, Manager, Abington Township  
Mark Penecale, Planning & Zoning Officer – Abington Township  
Michael P. Clark, Esquire, Rudolph Clarke, LLC – Abington Township Solicitor  
Jeffrey Goldstein, Mediplex Property Group Abington, LLC – Applicant  
Greylin Associates, LP – Property Owner  
Robert H. Linn, AIA, Linn Architects – Applicant's Architect  
Adam Powell, P.E., Linn Architects – Applicant's Engineer  
Marcel L. Groen, Esquire, Fox Rothschild, LLP – Applicant's Attorney  
Michael Narcowich, Montgomery County Planning Commission

1140 N. PROVIDENCE ROAD  
MEDIA, PENNSYLVANIA 19063  
TEL: 610.566.7044  
FAX: 610.566.3258

October 26, 2018

Richard Manfredi Manager  
Township of Abington 1176 Old York  
Road Abington, PA 19001

RE: Resubmission of Preliminary/Final Subdivision and Land Development  
Application for 'Mediplex Abington'  
1137-1151 Old York Road, Abington Township, Montgomery County

Dear Richard:

The enclosed documents have been revised in accordance with Township Engineer review letter dated 10/16/2018, the Zoning Officer Letter dated 10/16/2018, the Fire Marshal Letter dated 9/24/18, the Shade Tree Letter, and the Planning Commission comments per the October meeting.

The following is the response to the October 16, 2018 Boucher and James Review letter. Responses match the numbering sequence contained in the review letter and comments in **red** are Linn Responses.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS**

1. In accordance with Sections 146-9.A and 146-9.B, a final plan is either the second stage plan for a land development which has been approved as a preliminary plan, or a final stage plan for a land development which does not propose public improvements. Public improvements are proposed with this land development plan. A waiver is requested from Sections 146-9.B and 146.9.D to permit a preliminary/final plan submission, review, and approval. We believe waivers from Sections 146-9.A and 146-9.B are more appropriate.

**Linn Response: Will Comply – Waiver request has been modified accordingly.**

2. In accordance with Section 146-10.B.(2)(t), a north arrow must be provided for the location maps on Sheets C-0 to C-7 and C-11, C-12, and C-16.

**Linn Response: Will Comply – North Arrow has been added to the location Maps.**

3. In accordance with Sections 146-11.A.(4), 146-11.A.(10), and 146-11.B.(3), the existing properties with owners and tax parcel numbers, and the existing zoning districts within 400-feet of the project site, must be shown on the plan.

**Linn Response: Applicant is requesting waiver to limit the surrounding property information to the adjoining owners within 150' to 200'.**

4. In accordance with Section 146-11.B.(2), the cartway widths of Eckard Avenue, Guernsey Avenue,

and Old York Road (S.R. 0611) must be dimensioned on the plan.

**Linn Response: Will Comply – Street cart way dimensions are added to the plans.**

5. In accordance with Section 146-11.B.(6), the location, size, ownership and purpose of all rights-of-way and easement located within the project boundaries shall be shown on the plan. The existing 10-foot wide sidewalk easement must be labeled on all applicable plan sheets.

**Linn Response: Will Comply – Easement for sidewalks is being extinguished for dedicated Right of Way. A note has been added to the plans.**

6. In accordance with Section 146-11.B.(7), the existing waterlines, sanitary sewer lines, storm sewer lines, electric lines, telephone lines, gas mains, fire hydrants, and streetlights located within 400 feet of the project site must be shown on the plan.

**Linn Response: Applicant is requesting waiver to limit the surrounding physical features information to the adjoining area within 100' to 150'.**

7. In accordance with Section 146-11.B.(9)(a), a table indicating the existing soils' development limitations shall be provided. Soils U<sub>g</sub>B and U<sub>rl</sub>B exist on the project site. The Soils Table provided on Sheets C-5, C-6, and C-7 only reference the U<sub>g</sub>B soils and must be revised accordingly.

**Linn Response: Will Comply – Soil Table has been updated.**

8. In accordance with Section 146-11.C.(5), a notation of areas to be dedicated for public or common use, street widening, park or recreation, or other public uses shall be provided on the plan. The Right-of-Way of Guernsey Avenue and a 10-foot wide section of the Old York Road (S.R. 0611) Right-of-Way (also designated as a 10-foot wide easement for sidewalk and utilities) are being offered for dedication.

**Linn Response: Will Comply – A standalone note for dedication of right of way has been added to the plans.**

9. In accordance with Section 146-11.E.(2), an erosion and sedimentation control narrative must be submitted to the Township.

**Linn Response: Will Comply under separate cover– Narrative will be submitted as part of NPDES Permit under separate cover, will be supplied to TWP. for review**

10. In accordance with Sections 146-11.E.(3), 146-43.E.(2), and 146-43.E.(3), erosion and sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt.

**Linn Response: Will Comply under separate cover–NPDES Permit will be supplied to TWP. once approved. A compliance letter from the Township will be required as a part of the NPDES Permit Submission.**

We have the following comments based upon our review of the Erosion Control Plans and Details (Sheets C-6, C-7, and C-8).



- a. A Compost Filter Sock Detail is provided on Sheet C-8. No compost filter sock is shown on Sheets C-6 or C-7 and the detail should be removed.

**Linn Response: Engr. Discussion – Filter Sock is an approved substitute for Silt fence and is identified as an alternate in the Detail. In the event the contractor chooses to use the sock vs. the fence the detail is provided.**

11. In accordance with Sections 146-11.F.(1)(e) and 146-33.B.(1), capacity calculations for the proposed storm sewer must be submitted for review.

**Linn Response: Will Comply under separate cover– storm sewer calculations will be provided as a part of the revised Stormwater Report.**

12. Section 146-11.F.(2) requires horizontal and profiles plans, and cross-sections of proposed streets. A waiver from Section 146-11.F.(2) is requested as no new streets are proposed. We do not believe this section applies unless new streets are proposed, and that this section can be removed from the list of waivers.

**Linn Response: Will Comply – Waiver is removed.**

13. In accordance with Sections 146-11.F.(4)(b)[5] and 146-33.H, a detail in support of the proposed manhole must be provided on the plan.

**Lin Response: Will Comply – Detail has been added to the plan.**

14. In accordance with Section 146-11.G.(1), the proposed water and sewer line pipe material and size must be provided on Sheet C-11.

**Linn Response: Will Comply – Sanitary size and material have been added to the plan. Water service size will be provided once sized by MEP and Fire Protection Designer. For LD purposes the site will most likely be serviced by a 2 inch domestic and a 3 or 4 inch fire line depending on available water pressure.**

15. In accordance with Section 146-11.H.(2)(c), the location, size and type of all proposed shade trees shall be provided on the plan. The unlabeled shade tree at the southeasterly corner of the proposed parking lot must be identified on Sheet C-14.

**Linn Response: Will Comply – labels have been added to the plan.**

16. In accordance with Section 146-11.H.(2)(e), a proposed planting schedule indicating the species, number and size of all proposed and required plantings shall be provided on the plan. The landscape counts shall be confirmed and the plan view and/or the Proposed Plant Schedule on Sheet C-14 shall be revised as discussed below.

**Linn Response: Will Comply – Planting schedule has been updated.**

- b. Our counts have determined that 1 Japanese Dogwood Multistem and 7 Honey Locust are shown in plan view, however the Proposed Planting Schedule indicates 2 Japanese Dogwood Multistem and 8 Honey Locust are proposed.
- c. Our counts have determined that 56 Cranberry Cotoneaster, 67 Bennett's Compact Holly, 56 Compact Inkberry Holly, 30 Arrowwood Viburnum, and 23 Leatherleaf Viburnum are shown in plan view, however the Proposed Planting Schedule indicates 54 Cranberry Cotoneaster, 66 Bennett's Compact Holly, 50 Compact Inkberry Holly, 31 Arrowwood Viburnum, and

16 Leatherleaf Viburnum are proposed.

17. In accordance with Section 146-11.H.(2)(f), details of the proposed method of planting and staking shall be provided on the plan. Tree wrap is shown on the Deciduous Tree Planting detail on Sheet C-15. Tree wrap can lead to problems with disease, insects, and freeze injury. The tree wrap shall be removed from the detail or a note placed indicating the wrap will be removed at the time of planting. General Planting Note 19 on Sheet C-15 must also be revised accordingly.

**Linn Response: Will Comply – Detail and note have been updated.**

18. In accordance with Section 146-11.I, a phasing plan is required when construction is planned for different times. A waiver from Section 146-11 is requested as construction will be completed in one (1) phase. We do not believe this section applies and that this section can be removed from the list of waiver requests.

**Linn Response: Will Comply – Waiver is removed.**

19. In accordance with Section 146-11.J.(8), when deemed acceptable by the applicant or developer, a statement for the provision of contribution of fees in-lieu-of recreation facilities, according to resolution established by the Board of Commissioners shall be provided on the plan. A waiver is requested from Section 146-11.J. The request states that recreation facilities and open space are not proposed.

**Linn Response: Waiver remains.**

20. In accordance with Sections 146-11.K, 146-11.M.(1)(a), and 146-35.B.(1), a letter certifying availability of public sanitary sewer facilities and an approved Sewage Facilities Planning Module must be provided to the Township upon receipt. In addition, the Sewage Facilities Planning Module must also be listed under the External Agency Approvals on Sheet C-4.

**Linn Response: Will Comply – Note has been revised.**

21. In accordance with Section 146-11.L, architectural plans of the proposed building must be submitted.

**Linn Response: Will Comply – Building Elevations and floor plans have been provide to the twp. as a part of the formal submission.**

22. In accordance with Sections 146-11.M.1.(b) and 146-36.A.(1), a letter certifying availability of public water must be submitted.

**Linn Response: Will Comply – A Water “Will Service” Letter has been provide to the twp. as a part of the formal submission.**

23. The Certificate and Acknowledgement of Subdivision and Land Development Plans provided on Sheet C-4 shall be revised to be consistent with that provided in Section 146- 12.C.(2).

**Linn Response: Will Comply – certificate has been updated accordingly.**

24. The recording notations in Sections 146-12.E.(1), (2), (3), (4), and (5) must also be provided on Sheet C-4.



**Linn Response: Will Comply – notes have been added on sheet C-4.**

25. An improvement and completion guarantee must be provided in accordance with Section 146-17. A detailed construction cost estimate with specific line items must be submitted for review.

**Linn Response: Will Comply under separate cover– Cost Estimate will be provided once plans are solidified by applicant and twp.**

26. In accordance with Section 146-27.E, sidewalks shall be extended to the curblines with ramps for adequate and reasonable access across curbs by physically handicapped persons, including those in wheelchairs. Type 4 handicap ramps are proposed at the driveways taking access from both Guernsey Avenue and Eckard Avenue and at the handicap parking spaces. Handicap ramps shall also be provided and/or upgraded to meet ADA regulations at the intersections of Old York Road (S.R. 0611) with Eckard Avenue and Guernsey Avenue. All handicap ramps shall be provided with painted crosswalks. It appears all ramps may not be designed as Type 4 ramps and the designation shall be revised accordingly. In addition, detailed design, consisting of dimensions, spot elevations, slopes, and associated details shall be provided on the plan for all proposed and/or upgraded handicap ramps. We suggest larger scaled detailed plans be provided for clarity. Review of all handicap ramps will be completed upon receipt of the detailed plans.

**Linn Response: Will Comply under separate cover– H/C ramp design in PennDOT right of way will be part of HOP. All h/c ramps (Street and Driveway h/c ramps) will be shown on LD plans once finalized.**

27. In accordance with Section 146-32.A, a concrete monument shall be placed at the northeastern property corner at its intersection with the Eckard Avenue Right-of-Way, and at the southeastern property corner at its intersection with the Guernsey Avenue Right-of-Way.

**Linn Response: Will Comply – plans have been revised to call for concrete monuments at Right of Way.**

28. In accordance with Section 146-43.C.(1)(a), all lots shall be graded to provide proper drainage away from buildings, and to drain and dispose of surface water without ponding.
- a. Spot elevations shall be provided along the proposed building to ensure positive drainage away from the building.

**Linn Response: Will Comply – additional grade spots have been provided.**

- b. Low spots are shown at the northeasterly corners of the proposed parking lot adjacent to Eckard Avenue. No inlets are proposed, however four (4), 6-foot wide sections of depressed curb are shown along the curblines adjacent to Eckard Avenue to direct stormwater from the parking lot to Eckard Avenue. The Depressed Curb Detail on Sheet C-9 specifies a 1 1/2" reveal which will not provide for positive discharge from the site. The grading must be revised and/or inlets provided, or curb cuts with no curb reveal and associated spot elevations shall be provided along the curblines.

**Linn Response: Will Comply – depressed curb detail has been revised to be flush with pavement and additional grade spots are provided.**

- c. The top of grate elevations must also be provided on Sheet C-5.

**Linn Response: Engr. Discussion – To mitigate possible errors and inconsistencies Grate elevations are provided**

on the Profile Sheet.

29. In accordance with Section 146-43.C.(3)(a), cut and fill slopes may not be 15% or steeper. The proposed grading between Guernsey Avenue and the proposed building and along portions of Eckard Avenue are greater than fifteen (15) percent and must be revised.

Linn Response: Waiver request – landscaped area between parking lot and sidewalk is graded at 4 to 1 slope (25%) which should be acceptable for plantings and lawn areas. The proposed grading is actually reducing slope in some areas and/or maintaining an existing slope.

### STORMWATER MANAGEMENT ORDINANCE COMMENTS

The proposed development is located within the Pennypack Creek Watershed and the B Management District. The project site ultimately discharges to the Pennypack Creek which has a Chapter 93 Classification of Trout Stock Fishery with Migratory Fishes (TSF, MF).

30. In accordance with Sections 302.A.6, 302.B.23, 303.A.1, 401.A, 401.D, and 403.A, erosion and sedimentation control and NPDES approvals from the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection, where applicable, must be provided to the Township upon receipt.

Linn Response: Will Comply under separate cover—NPDES Permit will be supplied to TWP. once approved. A compliance letter from the Township will be required as a part of the NPDES Permit Submission.

We have the following comments based upon our review of the Erosion Control Plans and Details (Sheets C-6, C-7, and C-8).

- a. A Compost Filter Sock Detail is provided on Sheet C-8. No compost filter sock is shown on Sheets C-6 or C-7 and the detail should be removed.

Linn Response: Engr. Discussion – Filter Sock is an approved substitute for Silt fence and is identified as an alternate in the Detail. In the event the contractor chooses to use the sock vs. the fence the detail is provided.

31. The signature block in Section 302.A.14 must be provided on Sheet C-16.

Linn Response: Will Comply –Has been provided.

32. In accordance with Section 302.B.13, the property owner name and address must be provided on Sheet C-16.

Linn Response: Will Comply –Has been provided.

33. In accordance with Section 302.B.15, a graphic scale must be provided on Sheet C-16. We believe a graphic scale should be provided on every plan sheet.

Linn Response: Will Comply –Has been provided.

34. In accordance with Section 302.B.16, a north arrow must be provided for the Location Maps on Sheets C-16, D-1, and D-2.

Linn Response: Will Comply –Has been provided.

35. In accordance with Section 308, upon completion of construction, the developer shall be responsible for providing as-built plans of all stormwater management facilities shown on the approved plans.

**Linn Response: Will Comply – As-built plan requirement is noted on plans.**

36. In accordance with Section 410.E, the curve number utilized for lawn area must be consistent with Table E-2 in Appendix E. In addition, type 'A' soils exist on the project site and must be utilized in the curve number calculations.

**Linn Response: Will Comply under separate cover– report has been revised to address type ‘A’ soils.**

37. In accordance with Section 701.A, a financial guarantee is required for the proposed stormwater management improvements. A detailed cost estimate with specific line items must be submitted for review.

**Linn Response: Will Comply under separate cover– Final Agreement cost estimate will be provided once applicant and twp. agree to overall plans.**

38. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided.

**Linn Response: Will Comply under separate cover–O&M Agreement will be provided once applicant and twp. agree to overall plans.**

### **STORM SEWER AND STORMWATER MANAGEMENT DESIGN COMMENTS**

39. On Sheet C-10, the Infiltration Bed detail specifies a 24-inch diameter pipe, however the profile and calculations utilize a 36-inch diameter pipe. The plan and/or calculations must be revised.

**Linn Response: Will Comply – Detail has been revised to read 36” pipes**

40. The storage volume and bottom surface area utilized in the Dewatering Time calculation are inconsistent with the pond report and plan view and must be revised.

**Linn Response: Will Comply under separate cover– Dewatering calculation will be revised.**

41. A time of concentration of 5 minutes has been utilized in all peak flow calculations. Supporting time of concentration calculations and paths must be submitted for review.

**Linn Response: Will Comply under separate cover – Tc calculation will be provided.**

42. The plan must indicate a rating of at least 30 tons for all storm sewer pipe located within the proposed parking lot.

**Linn Response: Will Comply – note has been added to the plan.**

### **MISCELLANEOUS COMMENTS**



43. On Sheet C-0, the descriptions of Sheets C-2, C-9, and C-15, provided under the Drawing Index, shall be revised to be consistent with the respective plan sheets.

**Linn Response: Will Comply – sheet titles have been revised accordingly.**

44. The tax parcel number of Premises A, Tract III is inconsistent between the Site Information provided on Sheets C-0 and C-4, and the plan views on Sheets C-1, C-2, and C-3. The plans must be revised accordingly. In addition, tax parcel number 30-277-59 is labeled as Premises 'G' on Sheet C-3. The plan views on Sheets C-1 and C-2 and the Site Information on Sheets C-0 and C-4 must be revised accordingly.

**Linn Response: Will Comply – tax numbers have been revised accordingly.**

45. The gross area utilized in the Consolidated Area calculation on Sheet C-3 is inconsistent with the total area listed in the Existing Zoning Data on Sheet C-1. The plans must be revised accordingly. In addition, Note 4 on Sheet C-1 indicates a new deed description will be written and recorded. The description shall be provided to the Township for review prior to recording.

**Linn Response: Will Comply – Area have been revised accordingly. New legal will be provided to twp. for review.**

46. On Sheet C-4, Note 6 must be revised to reflect the correct FEMA map panel (i.e., 401G). This note appears on several sheets and all notes must be revised accordingly.

**Linn Response: Will Comply– Map number has been revised.**

47. On Sheet C-4, the area listed for the proposed plaza is incorrect and must be revised.

**Linn Response: Will Comply – Plaza area note has been removed.**

48. On Sheet C-4, the title of the signature block of the Board of Commissioners references Council and must be revised accordingly.

**Linn Response: Will Comply –Block has been revised.**

49. The bench detail referenced on Sheet C-4 must be provided on the plan.

**Linn Response: Will Comply –Detail provided on plans.**

50. On Sheet C-4, a stop sign should also be placed for vehicles travelling along the internal one-way driveway.

**Linn Response: Will Comply –Stop sign provided on plans.**

51. The inlet designations and roof drains shown on Sheet C-4 shall be removed from the plan for clarity.

**Linn Response: Will Comply – Utilities removed from plan.**

52. Several existing depressed curbs along Guernsey Avenue, Eckard Avenue, and Old York Road (S.R. 0611) are still shown on Sheet C-4. The existing depressed curbs must be removed and replaced with full height curb. The plan must be revised accordingly.

**Linn Response: Will Comply – New curb at depressions has been provided on plans.**

53. On Sheet C-5, a four (4) inch curb reveal is shown along the parking row immediately adjacent to the proposed building (at the proposed 499 contour). The spot elevations must be revised to provide a six (6) inch curb reveal.

**Linn Response: Will Comply – Grade spots have been revised.**

54. On Sheet C-5, the spot elevations shown on the handicap parking spaces must be revised to provide slopes of two (2) percent or less as required by the 2010 ADA Standards for Accessible Design.

**Linn Response: Will Comply – Grade spots have been revised to meet ADA requirements.**

55. A six (6) inch reveal is provided along the curbline on Sheet C-5, however an eight (8) inch reveal is specified in the Concrete Curb Detail on Sheet C-9. The grading or detail must be revised.

**Linn Response: Will Comply – Curb detail will read 6 or 8 inch reveal depending on curb within the site vs. along PennDOT right of way.**

56. On Sheet C-9, it is noted a discrepancy exists between the depth of HMA base course specified in the Entrance and Driveway Paving Section Detail and the Pavement Restoration Detail. The details shall be revised where necessary.

**Linn Response: Will Comply – Detail has been revised.**

57. On Sheet C-9, the nomenclature of the van accessible and penalties signs in the Handicapped Parking Sign detail must be revised to be consistent with those provided in PennDOT Publication 236.

**Linn Response: Will Comply – Detail has been revised.**

58. On Sheet C-9, the Storm Sewer Trench Restoration detail shall be revised to provide a minimum of 12-inches of stone cover over the storm sewer pipe. In addition, 2B stone is no longer specified in PennDOT Publication 408 and the designation shall be revised accordingly.

**Linn Response: Will Comply – Detail has been revised.**

59. On Sheet C-9, the Trash Enclosure Detail – Fence and Concrete Pad Detail shows curb surrounding the enclosure which is not shown in plan view. The detail must be revised accordingly. In addition, a detail for the bollards referenced in the Trash Enclosure Detail – Fence and Concrete Pad Detail must also be provided on the plan.

**Linn Response: Will Comply – Detail has been revised.**

60. On Sheet C-10, the grate elevation at Ex. Inlet A shown in the Inlet 5 to Ex. Inlet profile is inconsistent with that shown in plan view. The profile must be revised.

**Linn Response: Will Comply – Profile has been revised.**

61. On Sheet C-10, Note 8 for Seepage Bed Construction shall be revised to reference 'Township.'

**Linn Response: Will Comply – Note has been revised.**

62. The type of concrete utilized for the light pole foundations must be specified on Sheet C- 12.

**Linn Response: Will Comply – Detail has been revised.**

63. It does not appear the proposed storm sewer is shown correctly on Sheet C-14 and the plan must be revised accordingly.

**Linn Response: Will Comply – landscape plan utilities have been revised.**

64. On Sheet C-14, a Washington Hawthorn is proposed less than 2-feet from the proposed gas line, and the tree must be relocated. In addition, the water lateral and vault must also be shown on Sheet C-14.

**Will Comply – landscape plan utilities will be revised.**

65. The proposed light posts must be shown on Sheet C-14 to confirm and resolve any potential conflicts with the proposed landscaping.

**Linn Response: Will Comply – landscape plan utilities have been revised.**

66. A detail for a right turn only sign must be provided on the plan. As discussed during the presubmission meeting on October 9, 2018, a written sign and not a graphic sign should be utilized.

**Linn Response: Will Comply – control signage has been provided.**

67. Details of the proposed stop bars, driveway centerline striping, parking space striping, typical planting islands, and 10-foot high light posts shall be provided on the plan.

**Linn Response: Will Comply – Stop Bar, H/C space striping, 10 ft. light pole details have been provided.**

68. Turning templates for the largest delivery truck, and for a fire truck must be submitted for review.

**Linn Response: Will Comply under separate cover– Truck turn plans will be provided.**

69. The required highway occupancy permit from PennDOT for construction along Old York Road (S.R. 0611) must be provided to the Township upon receipt.

**Linn Response: Will Comply under separate cover– HOP Permit will be provided once approved.**

70. As discussed at the presubmission meeting held on October 9, 2018, the driveway taking access from Eckard Avenue shall be reconfigured to include a "pork chop" which will direct traffic in the correct direction along Eckard Avenue which is a one-way street. Associated details must also be provided on the plan.

**Linn Response: Will Comply – Revised layout is provided.**

71. All comments received from the traffic engineer, shade tree commission, and fire marshal must be



addressed to their satisfaction.

**Linn Response: Will Comply – Will address all external review letters.**

72. The Abington Township Application number (LD-18-05) must be added to all plan sheets.

**Linn Response: Will Comply – Application number added to plans.**

The following is the response to the October 16, 2018 Zoning Officer Review letter. Responses match the numbering sequence contained in the review letter and comments in **red** are Linn Responses.

1. The proposed on-site parking stalls sizes are shown as 9 feet in width by 18 feet in depth. Abington's Zoning Ordinance does not define on-site parking stall size, Other than for a few defined uses. The prior Zoning Ordinance required on-site parking stalls to be 10 feet in width by 18 feet in length.

**Linn Response: As discussed with Zoning Officer, the 9' by 18' stalls are allowable as a part of the approved Zoning Variance.**

2. Section 2312 of the Zoning Ordinance of the Township of Abington contains off-street loading requirements. The Board of Commissioners have the ability to determine the number and type of loading area required for this type of use. As a medical office building, I would suggest a parcel drop-off area be added to the plans.

**Linn Response: A delivery parking space as well as two patient drop-off spaces have been added to the plans.**

3. Section 2601.H of the zoning ordinance addresses on-site lighting and dimensional limitations on the type and height of the fixtures proposed to be installed. the plan marked as C-12 complies within the requirements of the zoning ordinance, however, please provide any information available for wall and pedestal mounted light fixtures that are proposed to be installed on the site.

**Linn Response: Building lighting will be provide as a part of the Building Permit Application. There are no pedestal light fixtures proposed.**

4. Please direct me to the section of the plan set that includes the detail on the verge wall and fencing proposed to be installed along the street frontages and the residential buffer.

**Linn Response: Details are provided on C-14.**

5. In accordance with Figure 10.19, the minimum lot width is 100-feet in the MS-L Zoning District. The Zoning Data on Sheet C-4 indicates a lot width of 259-feet is provided, however the widths along Old York Road (S.R. 0611), Guernsey Avenue; and Eckard Avenue are 274 feet, 201 feet, and 365 feet, respectively. The Zoning Data chart shall be revised accordingly.

**Linn Response: Table revised accordingly.**

6. In accordance with Section 2310.F.11, employee parking spaces must be identified within the proposed parking lot.

**Linn Response: Employee spaces have been added to the plans.**

7. Seventeen (17) existing trees will be removed and 34 trees are proposed to be planted as replacements per Section 2401.A.2.d.(1)(b). In accordance with Section 2401.A.2.d.(1)(b), the replacement trees must be 3 to 3 ½ inches in caliper. The Proposed Plant Schedule on Sheet C-14 must be revised accordingly.

**Linn Response: Table has been revised.**

8. In accordance with Section 2402.H2.c, 7 street trees are required along Old York Road (S.R. 0611) and only 5 are provided. Two (2) street trees are still required along Old York Road (S.R. 0611), and the plan must be revised accordingly. In addition, the notes on Sheet C-14 under Section 2401.82 C shall be revised to correctly indicate the 21 required street trees per linear street frontage.

**Linn Response: Planting and note have been revised.**

9. In accordance with Sections 2402.A.5 and 2403.B.4.a, and Figure 24.5, 10-foot wide medium intensity buffers are required along the perimeter of all parking areas.
  - a. The buffer along Guerney Avenue shall consist of a 4-foot high decorative, opaque wall or fence with 26 shrubs along 252 linear feet of parking area. A fence and pier street wall is shown on the plan and sixty four (64) shrubs are proposed. A detail of the fence and pier street wall must be provided on the plan, and the fence shall be in accordance with this section and Section 2403.8.4.a.(6).
  - b. A buffer along Old York Road (S.R. 0611) shall consist of a 4-foot high decorative, opaque wall or fence with 13 shrubs along 130 linear-feet of parking area. A fence and pier street wall is shown on the plan and thirty-six (36) shrubs are proposed. A detail of the fence and pier street wall must be provided on the plan, and the fence shall be in accordance with this section and Section 2403.8.4.a.(6).

**Linn Response: Detail is provided.**

10. In accordance with Section 2403.B.4.a and Figure 24.5, a 15-foot wide medium intensity buffer is required along the eastern property lines bordering existing residential uses. The buffer shall consist of 8 canopy trees, 8 understory trees, 19 evergreen trees, and 19 shrubs. Ten (10) canopy trees, 8 understory trees, 18 evergreen trees and 19 shrubs are proposed. Therefore, one (1) evergreen tree is still required.

**Linn Response: Additional tree is provided.**

11. In accordance with Section 2403.B.4.h and Figure 24.6, a minimum of three (3) tree species along the eastern buffer is required consisting of a maximum of 30% of one (1) species. Fifty (50) percent of the proposed buffer consists of Eastern White Pine and the landscaping must be revised.

**Linn Response: Plantings have been revised.**



12. In accordance with Section 2403.C6,b(1), an opaque fence or masonry wall with shrubs are required around the perimeter of the proposed trash dumpster. The proposed shrubs are spaced 5-feet apart and shall be revised to be no more than 3-feet apart. Additional shrubs shall also be provided to extend a minimum of 3-feet from either side of the trash enclosure. Consideration should also be given to providing a masonry wall instead of the proposed 6-foot high white, vinyl coated fence.

**Linn Response: Plantings have been revised.**

13. In accordance with Section 2504.F.1, crosswalks shall be provided across the driveways taking access from Guernsey Ave. and Eckard Avenue.

**Linn Response: crosswalks are provided.**

14. In accordance with Section 2601.H.6, all lighting shall be full-cutoff design. Specifications showing the type of lights and design shall be provided on the plan. In addition, please provide specifications and details for any wall or pedestal mounted light fixtures that are proposed on the site.

**Linn Response: Building lighting will be provided as a part of the Building Permit Application. There are no pedestal light fixtures proposed. Cut Sheets will be provided for the parking lot light fixtures.**

The following is the response to the October 2018 Shade Tree Review letter. Responses match the numbering sequence contained in the review letter and comments in **red** are Linn Responses.

1. **Irrigation:** Add a provision for irrigating the landscape elements, preferably through an installed irrigation system, or through a maintenance contract extending at least 4 years. In consideration of the heat island effects of the proposed building and parking lot, the STC is not confident that the plant material will be properly established without irrigation.

**Linn Response: Irrigation is not proposed for the site. Plant maintenance requires watering with a 2-year guarantee.**

2. **Site preparation:** Rather than digging individual holes for the street trees, dig a continuous trench (as opposed to individual tree pits) to accommodate adequate root growth of each of the three sets of street trees- along Old York Road, Eckard Avenue and Guernsey Avenue. Adequate room for root growth will enable the trees to establish more quickly and to live longer.

**Linn Response: 4' x 6' Tree wells will be provided.**

3. **Plant material:**

- a. Replace the white pine (*Pinus strobus*) with evergreen species that will be less prone to branch breakage and provide a neater long-term form within the buffer. Consider the use of *Ilex 'Nelly R. Stevens'*; *Picea orientalis*, *Cryptomeria* or *Thuja Green Giant*.

**Linn Response: The number of white pines has been reduced and Norway Spruces are provided.**

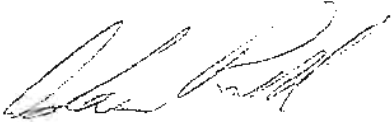
- b. Replace the zelkova along Old York Road with larger street trees, for example, *Ulmus*

(elm) cultivars. This could enhance beauty, stormwater management and shade.

**Linn Response: Zelkova is a good canopy tree and disease resistant.**

We trust that the revisions reflected on the enclosed documents satisfactorily address the referenced Township's review comments. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Powell', written in a cursive style.

Adam Powell, P.E.  
Design Engineer  
Linn Architects



## ABINGTON TOWNSHIP FIRE MARSHAL

1176 Old York Road, Abington, Montgomery County, Pa., 19001

267-536-1088 fax 215-884-8271

### LAND DEVELOPMENT – SUBDIVISION CHECKLIST cont.

(4) Fire hydrants and fire connection. The Abington Fire Marshal shall approve the location of all fire hydrants and connections thereto.

(a) No off-street parking area shall be located within 15 feet of a fire hydrant.

(b) Approved hydrants meeting the minimum fire-flow requirements established by the Fire Marshal, the standards of the National Fire Protection Association (NFPA) Code 24 and all other requirements of this section shall be installed.

(c) All hydrants shall be accessible to fire-fighting apparatus by roadways meeting the specifications for access by fire-fighting apparatus as required by this chapter. Fire hydrants shall be painted the color determined by the Fire Marshal. As required by the Fire Marshal, reflective markers identifying fire hydrant locations shall be installed. All fire hydrants shall be equipped with outlets of the size and thread type as determined by the Fire Department of the Township of Abington. All fire hydrants shall be installed on water mains of at least eight inches in diameter. Systems shall be looped when practicable and shall not require the operation of manual valves or other devices in order to achieve the required fire flow.

(d) A working hydrant shall be located within 500 feet of all buildings under construction. On-site hydrants and access roads shall be installed prior to and during construction. An unobstructed roadway with a stone base capable of supporting 30 tons shall be provided to allow passage of fire-fighting equipment to any building under construction.

(e) The fire flows of hydrants shall meet National Fire Protection Association (NFPA) 1231 criteria as a minimum. In addition, where the requirements for fire flow listed herein exceed NFPA standards, the requirements of this chapter shall prevail.

[1] For single- and two-family dwellings, a fire flow minimum of 500 gallons per minute (GPM) at 20 pounds per square inch (PSI) residual pressure shall be required.

[2] For other buildings, fire flows shall be determined by the Fire Marshal, taking into consideration the fire area, type and occupancy, construction and exposures of the building. The minimum required fire flow of 1,000 GPM at 20 PSI residual pressure shall be required.



## ABINGTON TOWNSHIP FIRE MARSHAL

1176 Old York Road, Abington, Montgomery County, Pa., 19001

267-536-1088 fax 215-884-8271

### LAND DEVELOPMENT – SUBDIVISION CHECKLIST cont.

[3] When the structure is provided with total coverage by an approved automatic sprinkler system, the Fire Marshal may grant an exception to the fire flow requirements which could reduce up to 50% the required fire flow. For other than one- and two-family dwellings, the minimum fire flow shall be in no case less than 1,000 GPM.

(f) Fire Department connections shall be provided at locations approved by the Fire Marshal. Required sprinkler system and standpipe connections shall be located within 50 feet of public streets or fire lanes and 200 feet of a hydrant.

(g) Fire hydrants located in parking areas shall be within three feet of the driveway or roadway. The hydrant shall be protected by eight-inch elevated concrete curbing.

(5)

Trash containers and enclosures.

(a) No trash container or enclosure may be located within 15 feet of any property line or building.

(b) No trash container or enclosure may be located in any fire lane, right-of-way, easement or parking space.

#### Additional Comments:

- Fire Watch shall be posted during and after any hot work in the Demolition process.
- All Demolition Debris will be removed on a regular basis preventing large accumulations of combustible materials.
- Site access will be maintained for emergency vehicles.

John J. Röhrer  
Fire Marshal

9/24/2018  
Date



**Subject: Land Development Application LD-18-05**

Location: Old York Road / Eckart / Guernsey (1137-1151 Old York Road)

Zoning District: MS-L/R-4

Ward # 7

Proposed Use: Medical Office Building

**Background:** Jeffrey Goldstein of Mediplex Property Group (applicant) and Michael Gregory and George Rlfter of Ruggiero Plante (landscape architects) attended the Shade Tree Commission meeting on October 10<sup>th</sup>, 2018, in order to present their plans for the development project directly to the STC, in advance of the October 23 Planning Commision meeting.

**Comments:**

1. **Placement of street trees behind fencing:** This is an excellent approach to enhancing walkability and tree health. It accommodates snow plowing without impacting the street trees, thereby enabling a healthier and longer-lived streetscape.
2. **Lawn strips:** This is an excellent approach to maintaining neat borders, given the width accommodates a standard mower size.

**Recommendations:**

1. **Irrigation:** Add a provision for irrigating the landscape elements, preferably through an installed irrigation system, or through a maintenance contract extending at least 4 years. In consideration of the heat island effects of the proposed building and parking lot, the STC is not confident that the plant material will be properly established without irrigation.
2. **Site preparation:** Rather than digging individual holes for the street trees, dig a continuous trench (as opposed to individual tree pits) to accommodate adequate root growth of each of the three sets of street trees- along Old York Road, Eckard Avenue and Guernsey Avenue. Adequate room for root growth will enable the trees to establish more quickly and to live longer.
3. **Plant material:**
  - a. Replace the white pine (*Pinus strobus*) with evergreen species that will be less prone to branch breakage and provide a neater long-term form within the buffer. Consider the use of *Ilex* 'Nelly R. Stevens', *Picea orientalis*, *Cryptomeria* or *Thuja Green Giant*.
  - b. Replace the zelcova along Old York Road with larger street trees, for example, *Ulmus* (elm) cultivars. This could enhance beauty, stormwater management and shade.



MCMAHON ASSOCIATES, INC.  
835 Springdale Drive, Suite 200  
Exton, PA 19341  
p 610-594-9995 | f 610-594-9565

PRINCIPALS

Joseph J. DeSantis, P.E., PTOE  
John S. DePalma  
William T. Steffens  
Casey A. Moore, P.E.  
Gary R. McNaughton, P.E., PTOE

ASSOCIATES

John J. Mitchell, P.E.  
Christopher J. Williams, P.E.  
R. Trent Ebersole, P.E.  
Matthew M. Kozsuch, P.E.  
Maureen Chlebek, P.E., PTOE  
Dean A. Carr, P.E.

FOUNDER

Joseph W. McMahon, P.E.

November 13, 2018

Mr. Jeffrey Goldstein  
Mediplex Property Group  
500 Office Center Drive, Suite 400  
Fort Washington, PA 19034

RE: Response to Traffic Review Comments  
Mediplex Abington, 1151 Old York Road – LD-18-05  
Abington Township, Montgomery County, PA  
McMahon Project No. 818526.11

Dear Mr. Goldstein:

This letter is in response to the Township's traffic review memo of November 5, 2018 prepared by Traffic Planning and Design, Inc. (TPD) with regard to the proposed medical office development located along Old York Road (S.R. 0611) between Eckard Avenue and Guernsey Avenue. Our office has been in contact with TPD regarding the traffic review comments and we have discussed our proposed solutions to evaluate/address the comments. The review comments and our responses are presented below.

**Comment #1:** *A pre-submission meeting was held on October 9 2018 with Township Staff and the Applicant. TPD offered several comments at this meeting that have been incorporated into the plan design. The comments included:*

- a. Provide a raised concrete median for the Eckard Avenue driveway to discourage cutthrough turning movements across the property to the north and illegal left turns from the site.*
- b. Increase the southeastern radius of the intersection of Old York Road and Eckard Avenue to better facilitate right turns movements.*
- c. Provide painted crosswalks and ADA-compliant ramps for the proposed site driveways.*

**Response:** The plan has been revised to reflect these comments from the pre-submission meeting.

**Comment #2:** *Based on our discussions with Township Staff, the Applicant should evaluate the potential for vehicular access to Old York Road.*

Response: Our team evaluated the potential for access to Old York Road, and we've determined this access is not feasible or recommended for the following reasons, which we've also reviewed with TPD.

- a. Sound access management principles, including PennDOT's guidance on this issue, recommend taking access to the lesser classification roads (Guernsey Avenue and Eckard Avenue) and using existing intersections with the main arterial road (Old York Road) in lieu of introducing new access points along the main arterial road.
- b. Introducing a new access to Old York Road creates a new conflict point along this main arterial road which will degrade traffic flow.
- c. A traffic signal is not warranted for a new access intersection along Old York Road.
- d. A new access to Old York Road conflicts with the site layout and building location, which is dictated by the current zoning of the property.
- e. If somehow aligned with the west leg of Guernsey Avenue, a new access intersection may result in undesirable and potentially illegal left-turn exit movements from the site for traffic oriented to the south on Old York Road.
- f. Although not a lot of site traffic is anticipated to use Guernsey Avenue and Eckard Avenue, a new access to Old York Road does not prevent site traffic from using these roads.

Comment #3: *While the Applicant is improving the size of the southeastern radius of the intersection of Old York Road and Eckard Avenue, the proposed 15 foot radius should be increased to 20 feet.*

Response: The plan has been revised to increase the radius on the southeast corner of Old York Road and Eckard Avenue to 20 feet as requested.

Comment #4: *Due to the existing narrow width of Guernsey Avenue at its intersection with Old York Road, consideration should be given to increasing the northeastern radius to a minimum of 20 feet.*

Response: The plan has been revised to increase the radius on the northeast corner of Old York Road and Guernsey Avenue from 8 feet as it exists today to 15 feet. It is not feasible to increase the radius greater than 15 feet due to impacts to the existing stormwater inlets and drainage pattern.

Comment #5: *Provide ADA-compliant ramps for all new ramps along Old York Road and for the proposed driveways. Design details should be provided for review.*

Response: The requested ramp designs will be provided for review.

*Comment #6: Note that all work along Old York Road will require a PennDOT Highway Occupancy Permit (HOP). The applicant must copy the Township on all correspondence, plans, studies, etc. submitted for this project to Penn DOT including the HOP plan submission, as well as include the Township and our office in meetings held with PennDOT on this project.*

Response: The Township and TPD will be copied on all PennDOT correspondence, and included in any PennDOT meetings.

*Comment #7: Provide a No Left Turn sign opposite the proposed Eckard Avenue driveway. Ensure that this sign as well as the proposed One Way sign are not placed with the existing sidewalk.*

Response: The requested signs will be shown on the plan.

*Comment #8: Increase the driveway radii for the Guernsey Avenue driveway to 20 feet.*

Response: The revised plan shows 20 feet curb radii for the Guernsey Avenue driveway as requested.

*Comment #9: While there is an existing No Parking Here to Corner sign located midway between the proposed Guernsey Avenue driveway location and Old York Road, it is our recommendation that this sign be removed and replaced with two (2) evenly-spaced No Parking signs to prohibit parking within the entire distance.*

Response: The requested signs will be shown on the plan.

*Comment #10: Provide a 4-inch painted double-yellow centerline (50 feet in length) on Guernsey Avenue at its intersection with Old York Road.*

Response: The requested double-yellow centerline along Guernsey Avenue will be shown on the plan.



*Comment #11: To improve safety for ingress vehicles for each driveway, the four (4) parking spaces located adjacent to the Eckard Avenue driveway and the two (2) spaces closest to Guernsey Avenue should be removed.*

**Response:** As discussed with TPD, it is not possible to remove six parking spaces due to tenant requirements. However, upon further review and coordination with TPD, there is greater need to remove spaces at the Guernsey Avenue access in order to increase the driveway throat length. Therefore, as shown on the revised plan it is proposed to remove a total of two spaces at the Guernsey Avenue access which results in a 33 feet long driveway throat, and it is proposed to remove one space at the Eckard Avenue access which results in a 44 feet long driveway throat.

If you have any questions, or require further information, please feel free to contact me.

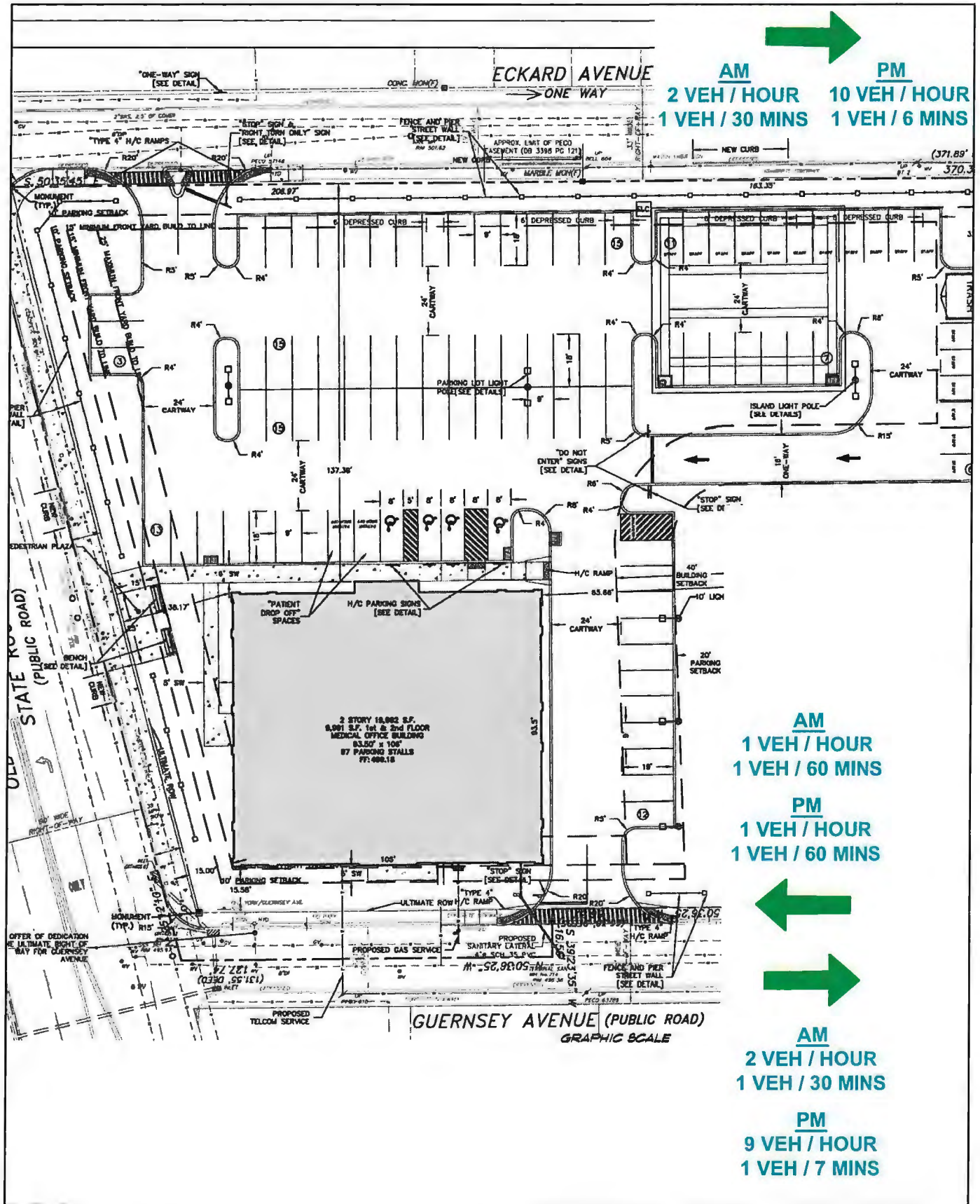
Sincerely,



Christopher J. Williams, P.E.  
Vice President & Associate Regional Manager – Mid-Atlantic

CJW/ab

cc: Amy Montgomery, P.E., Abington Township  
Greg Richardson, P.E., Traffic Planning and Design, Inc.  
Steve Carpey, Mediplex Property Group  
Robert H. Linn, AIA, Linn Architects  
Adam Powell, P.E., Linn Architects



Site Traffic  
**MEDIPLIX - ABINGTON**



(2018/11/15) I:\eng\818526 - Old York Rd Med Office\dwg\2018-11 Meeting Graphics\Figure - Trips per Minute on Site Plan.dwg

**ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA**



WWW.TRAFFICPD.COM

## Memorandum

**To:** Amy Montgomery, P.E. – Abington Township

**From:** Greg Richardson, P.E.

**Date:** November 5, 2018

**Re:** Mediplex Abington – 1137-1151 Old York Road - LD-18-05  
Traffic Review #1  
Abington Township, Montgomery County, PA  
TPD No. ABTO.00018

**cc:** Rich Manfredi, Manager  
Mark Penecale

Per your request and on behalf of Abington Township, Traffic Planning and Design, Inc. (TPD) has completed a traffic review of the above-referenced land development application. TPD reviewed the following documents:

- Land Development Plan Sheet C-4 prepared by Linn Architects – Dated October 19, 2018
- Traffic Impact Assessment (TIA) prepared by McMahon Associates – Dated October 9, 2018.

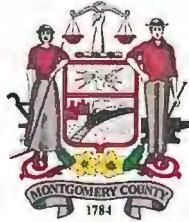
The following are our comments:

1. A pre-submission meeting was held on October 9 2018 with Township Staff and the Applicant. TPD offered several comments at this meeting that have been incorporated into the plan design. The comments included:
  - a. Provide a raised concrete median for the Eckard Avenue driveway to discourage cut-through turning movements across the property to the north and illegal left turns from the site.
  - b. Increase the southeastern radius of the intersection of Old York Road and Eckard Avenue to better facilitate right turns movements.
  - c. Provide painted crosswalks and ADA-compliant ramps for the proposed site driveways.
2. Based on our discussions with Township Staff, the Applicant should evaluate the potential for vehicular access to Old York Road.
3. While the Applicant is improving the size of the southeastern radius of the intersection of Old York Road and Eckard Avenue, the proposed **15 foot** radius should be increased to **20 feet**.

4. Due to the existing narrow width of Guernsey Avenue at its intersection with Old York Road, consideration should be given to increasing the northeastern radius to a minimum of **20 feet**.
5. Provide ADA-compliant ramps for all new ramps along Old York Road and for the proposed driveways. Design details should be provided for review.
6. Note that all work along Old York Road will require a PennDOT Highway Occupancy Permit (HOP). The applicant must copy the Township on all correspondence, plans, studies, etc. submitted for this project to PennDOT including the HOP plan submission, as well as include the Township and our office in meetings held with PennDOT on this project.
7. Provide a No Left Turn sign opposite the proposed Eckard Avenue driveway. Ensure that this sign as well as the proposed One Way sign are not placed with the existing sidewalk.
8. Increase the driveway radii for the Guernsey Avenue driveway to 20 feet.
9. While there is an existing No Parking Here to Corner sign located midway between the proposed Guernsey Avenue driveway location and Old York Road, it is our recommendation that this sign be removed and replaced with two (2) evenly-spaced No Parking signs to prohibit parking within the entire distance.
10. Provide a 4-inch painted double-yellow centerline (50 feet in length) on Guernsey Avenue at its intersection with Old York Road.
11. To improve safety for ingress vehicles for each driveway, the four (4) parking spaces located adjacent to the Eckard Avenue driveway and the two (2) spaces closest to Guernsey Avenue should be removed.

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO BOX 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

**REVISED**

November 6, 2018

Mr. Richard J. Manfredi, Township Manager  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: MCPC #18-0232-001  
Plan Name: Mediplex  
1 lot comprising 1.68 acres  
Abington Township

Dear Mr. Manfredi:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on September 28, 2018. We forward this letter as a report of our review.

**BACKGROUND**

Mediplex Property Group Abington, LLC, applicant, has submitted a preliminary subdivision and land development plan for the consolidation of nine parcels into one, the demolition of seven buildings and their accessory buildings. The applicant proposes to develop a two-story, 19,982 s.f. medical office building. The property is split-zoned—located in the MS-L Main Street-Low Density/Intensity District and in the R4 Residential District. Our review included the layout plan that was updated and received by our office on October 23, 2018.

**RECOMMENDATION**

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:





## REVIEW COMMENTS

### TRANSPORTATION

#### A. Parking.

1. Excess. The applicant is providing 19 more spaces (23% more) than are required. At the staff meeting, it was noted that experience in other municipalities has shown that even what is required by zoning (5 per 1,000 s.f., or 1 per 200 s.f.) is too high, and that 4.5 spaces per 1,000 s.f. is adequate for medical office uses. We strongly recommend the applicant reduce the parking area, freeing up space for landscaping, green area and crosswalks.
2. Reserve. We recommend the applicant agree to put parking in reserve [per §2309], so that the 100 spaces the applicant proposes constructing would only be constructed should 81 spaces be determined to be insufficient after the building is occupied.

#### B. Bus Stop. As discussed at the staff meeting, we recommend coordinating with SEPTA to determine if it would be desirable and feasible to move the bus stop currently located near Route 611 and Eckard Avenue to the proposed landscaped plaza with benches, located approximately at the midpoint of the applicant's frontage on Route 611.

#### C. Drop-off Area. We recommend a drop-off area be included in the plans.

1. We recommend a drop-off area for patients be provided.
2. We recommend a loading/unloading area be provided. Such an shall be a minimum of 600 square feet, 12 feet by 50 feet in size with clear access at all times to the space [§146-28]. The load/unload space may not be made a part of any regular vehicular parking space and shall be clearly marked by appropriate painting and signage.

### STREETSCAPE

#### A. Sidewalk Verge. The verge is required to be a minimum of three feet in width [§2504.E]. It appears that the applicant will need to seek a variance; the applicant contends that grass will not grow in a three-foot wide verge in this location. Note that the zoning includes hardscaping, groundcover, shrubs and street furniture as acceptable plantings or amenities for the required verge area.

#### B. Street Wall. The existing street wall is an attractive historic feature, and appears to be built of Wissahickon Schist. We suggest the applicant preserve as much of the street wall as possible. It would seem that, where present, this wall, supplemented by landscaping, would serve to meet the street wall requirement of zoning.

### BUILDING DESIGN

#### A. Elevations. Tentative architectural plans for the front, side and rear of the building shall be provided [§146-11.L] (renderings have been provided for the Old York Road and Eckard Avenue sides of the building).

## SITE AMENITIES

- A. **Street Furniture (on-site).** Where land is under common ownership, benches, and trash and recycling receptacles shall be provided at least every 100 feet, bicycle racks shall be provided at least every 200 feet, and planters shall be provided at least every 50 feet [§2502].



## HISTORIC PRESERVATION

- A. **Historic Preservation Opportunities for Abington Township.** The loss of older buildings on this site, including those that may have historic significance (two were built c. 1840), in the heart of old Abington village, underscores the importance of historic preservation efforts.
1. **Stone Wall** [see also comment C, under STREETSCAPE]. The stone wall appears historic and is proposed for demolition. However, the applicant has pledged to consider whether parts of the wall could be retained or whether materials could be salvaged and reused.
  2. **Inventory.** The Township is working on creating an inventory of historic structures. This is an important step.
  3. We suggest the Township consider other steps toward advancing historic preservation, such as creating a historical commission and historic preservation ordinance. An ordinance might discourage demolition of historic structures, provide use incentives for the reuse of historic buildings, or create an advisory process for review of alterations to historic structures.

## LANDSCAPING

- A. **Green Parking.** Although the applicant's proposal would slightly reduce impervious coverage, the proposed parking area would remain as a large, unbroken expanse of asphalt near Old York Road. The

view, the heat island effect, shade for pedestrians and general site design would all be improved by adding green area, especially in the area closer to Old York Road.

- B. **Monoculture Planting.** Katoni Aster is planted in such a way as to form an uninteresting monoculture. We recommend greater variety in plantings be implemented in its place.

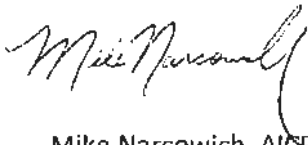
## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions will better achieve the Township's objectives for office development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



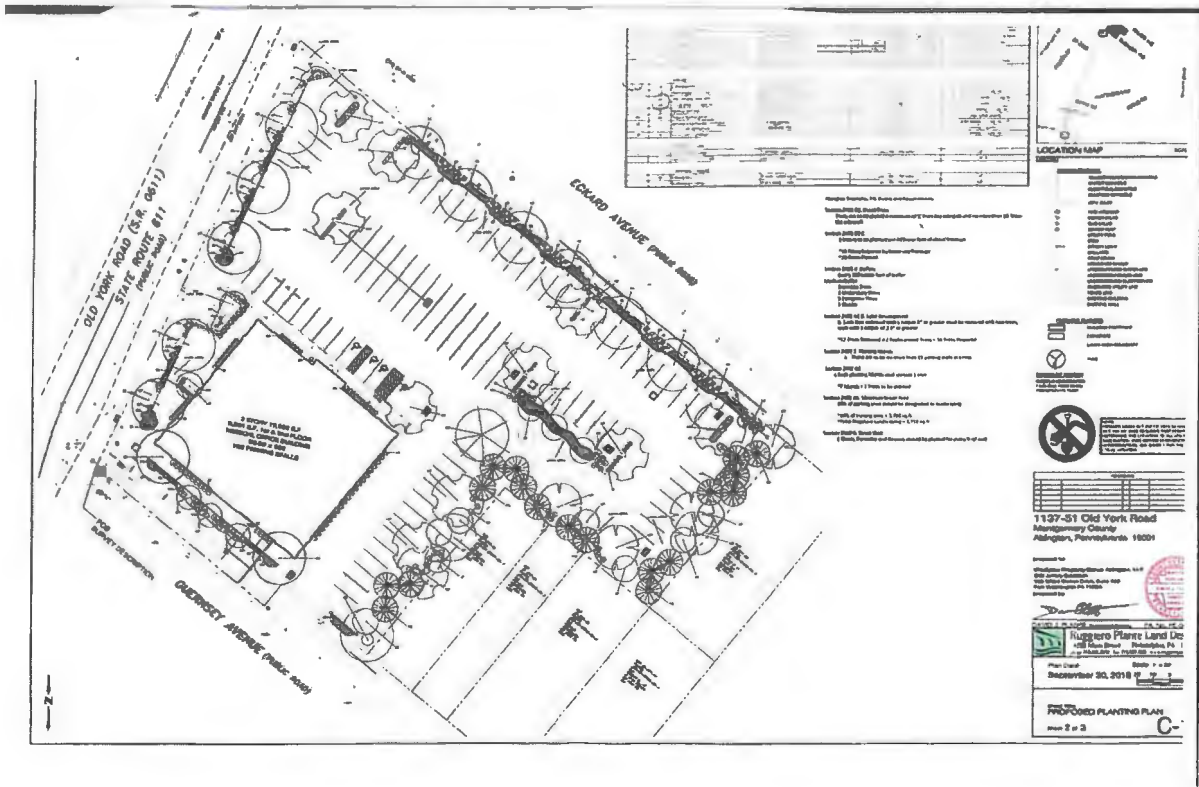
Mike Narcowich, AICP, Principal Planner II  
610.278.5238 - [mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

- c: Mediplex Property Group Abington, LLC  
Rob Linn, Linn Architects, Applicant's Representative  
Lucy Strackhouse, Chrp., Township Planning Commission  
Michael P. Clarke, Township Solicitor  
Amy Riddle Montgomery, Township Engineer  
Mark Cassel, Director, Suburban Service Planning, SEPTA

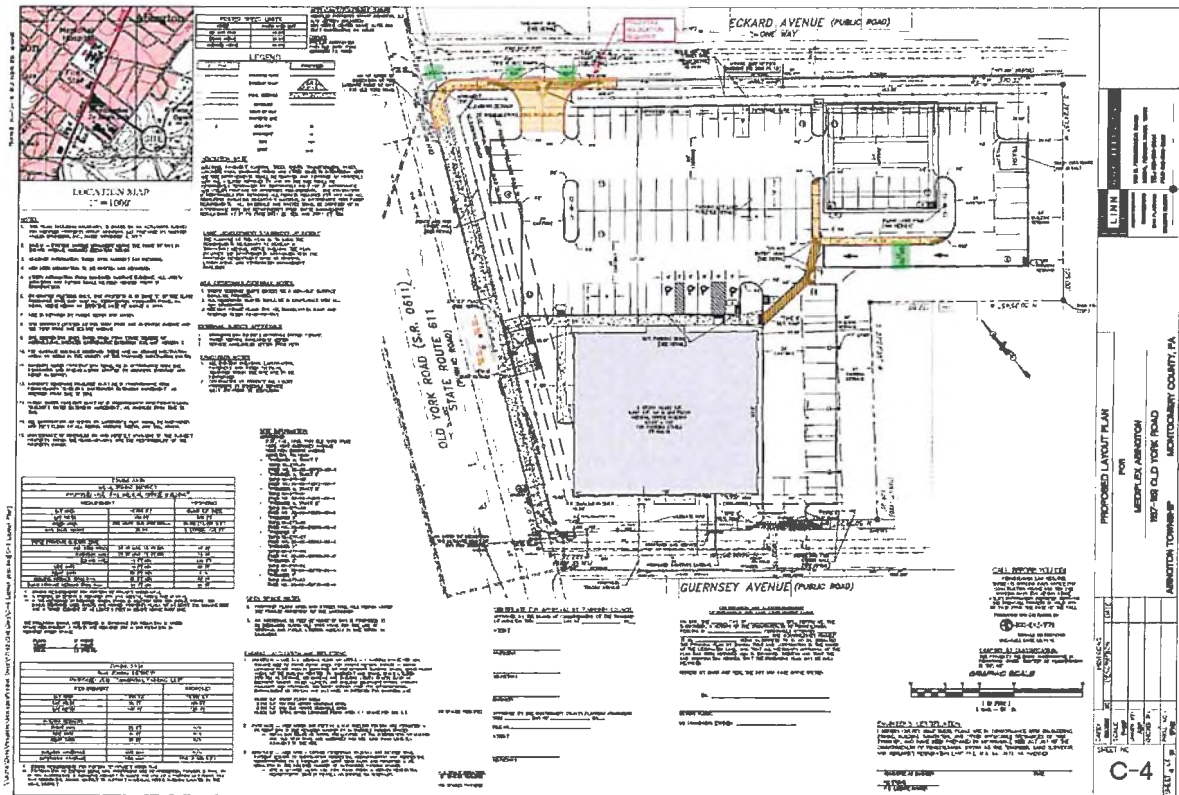
Attachments: Landscape Plan  
Layout Plan (updated)  
Aerial Photo



Applicant's Landscape Plan



Applicant's Updated Layout Plan (received October 23, 2018)



Aerial View of Site



# Township of Abington

## *Economic Development Committee*

---

November 19, 2018

Abington Township  
Board of Commissioners  
1176 Old York Road  
Abington, PA 19001

Attention: Wayne Luker, President

RE: Mediplex Property Group, LLC - 1137-1151 Old York Road, Abington

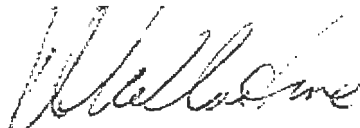
At its regularly scheduled monthly meeting, the Abington Township Economic Development Committee received a follow-up presentation from the Mediplex Property Group, Mr. Jeffrey Goldstein and Mr. Steve Carpey. The Applicant, Mediplex Property Group Abington, LLC, is proposing a lot consolidation of and land development on properties located on the western side of Old York Road. The existing properties are bounded by Eckard Avenue to the north and Guernsey Avenue to the south. The proposed land development consists of the construction of a two-story, 20,000 square foot building with associated parking, landscaping, and stormwater and stormwater management facilities.

A recap of this presentation includes the following information:

- Total Project Cost: Approximately \$11,000,000
- Property Taxes: TBD Based on Assessed Value at Current Millage Rate of 39.822
- Estimated Earned Income Tax: Approximately \$100,000 (estimated, based off of 1% of average salaries for 60 employees at the site)
- Mercantile Business Privilege Tax: Approximately \$2,600
- Public Improvements: \$430,000 (estimated)

After significant comment and discussion, the Committee voted unanimously to recommend its support for the construction of a two-story medical office building completed by the first quarter of the year 2020.

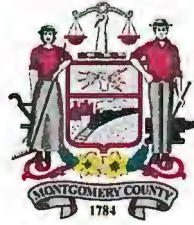
Best Regards,



Douglas S. Callantine, Chair

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



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MONTGOMERY COUNTY COURTHOUSE • PO BOX 311  
NORRISTOWN, PA 19404-0311  
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FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

October 26, 2018

Mr. Richard J. Manfredi, Township Manager  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: MCPC #18-0232-001  
Plan Name: Mediplex  
1 lot comprising 1.68 acres  
Abington Township

Dear Mr. Manfredi:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on September 28, 2018. We forward this letter as a report of our review.

## BACKGROUND

Mediplex Property Group Abington, LLC, applicant, has submitted a preliminary subdivision and land development plan for the consolidation of nine parcels into one, the demolition of seven buildings and their accessory buildings. The applicant proposes to develop a two-story, 19,982 s.f. medical office building. The property is split-zoned—located in the MS-L Main Street-Low Density/Intensity District and in the R4 Residential District.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:





**REVIEW COMMENTS****TRANSPORTATION****A. Parking.**

- (1) **Excess.** The applicant is providing 15 more spaces (18% more) than is required. At the staff meeting, it was noted that experience in other municipalities has shown that even what is required by zoning (5 per 1,000 s.f., or 1 per 200 s.f.) is too high, and that 4.5 spaces per 1,000 s.f. is adequate for medical office uses. We strongly recommend the applicant reduce the parking area, freeing up space for landscaping, green area and crosswalks.
- (2) **Reserve.** At worst, we would hope the applicant would agree to put parking in reserve [per §2309], so that the 100 spaces the applicant proposes constructing would only be constructed should 85 spaces be determined to be insufficient after the building is occupied.

**B. Bus Stop.** As discussed at the staff meeting, we recommend coordinating with SEPTA to determine if it would be desirable and feasible to move the bus stop currently located near Route 611 and Eckard Avenue to the proposed landscaped plaza with benches, located approximately at the midpoint of the applicant's frontage on Route 611.**C. Drop-off Area.** We recommend a drop-off area be included in the plans.

- (1) We recommend a drop-off area for patients be provided.
- (2) We recommend a loading/unloading area be provided. Such an shall be a minimum of 600 square feet, 12 feet by 50 feet in size with clear access at all times to the space [§146-28]. The load/unload space may not be made a part of any regular vehicular parking space and shall be clearly marked by appropriate painting and signage.

**D. Crosswalks [§2504.C].**

- (1) The M5-L District requires that "all buildings be connected, via a continuous pedestrian network of sidewalks, crosswalks, and paths, to parking, streets and public transportation."
  - a. The submitted plan includes no crosswalks. However, after the staff meeting, the applicant prepared a new sketch showing crosswalks over the vehicular access points to the parking lot, and a diagonal crosswalk leading from the larger parking island to the sidewalk near the eastern corner of the building. This is an



improvement. However, we recommend the Township and applicant discuss whether that or a crosswalk laid out perpendicular to the flow of traffic, in a more central location where pedestrians may be more likely to use it [see illustration] is preferable in addition to, or as an alternative to, the applicant's proposed crosswalks. Two parking spaces could be reconfigured to add a crosswalk through the parking area. A pedestrian island in this location would afford even greater pedestrian safety.

## STREETSCAPE

- A. Sidewalk Width. Section 2504.B of zoning requires that sidewalks be a minimum of eight feet wide.
- B. Sidewalk Verge. The verge is required to be a minimum of three feet in width [§2504.E]. It appears that the applicant will seek a variance; the applicant contends that grass will not grow in a three-foot wide verge in this location. Note that the zoning includes hardscaping, groundcover, shrubs and street furniture as acceptable plantings or amenities for the required verge area.
- C. Street Wall. The existing street wall is an attractive historic feature, and appears to be built of Wissahickon Schist. We suggest the applicant preserve as much of the street wall as possible. It would seem that, where present, this wall, supplemented by landscaping, would serve to meet the street wall requirement of zoning.

## BUILDING DESIGN

- A. Elevations. Tentative architectural plans for the front, side and rear of the building shall be provided [§146-11.L]. This is especially important since the applicant's site has three frontages and borders a residential neighborhood.

## SITE AMENITIES

- A. Street Furniture (on-site). Where land is under common ownership, benches, and trash and recycling receptacles shall be provided at least every 100 feet, bicycle racks shall be provided at least every 200 feet, and planters shall be provided at least every 50 feet [§2502].



## HISTORIC PRESERVATION

- A. **Historic Preservation Ordinance.** The loss of the multiple older buildings, including two or more that appear historically significant (with a construction date of 1840), in the heart of Abington village, should underscore the need for Abington to create a historic preservation ordinance (the stone wall appears historic as well, and is proposed for demolition (the applicant has pledged to consider whether parts of the wall could be retained or at least salvage materials and reuse them).
1. We recommend the Township continue work on formulation of an inventory of historic properties.
  2. We recommend the Township form a historical commission.
  3. We recommend the Township create a zoning ordinance that encourages preservation of historic structures through use incentives, discourages demolition of historic structures and recommends alternatives, and establishes an advisory historic review process for alterations of historic properties.

## LANDSCAPING

- A. **Green Parking.** Although the applicant's proposal would slightly reduce impervious coverage, the proposed parking area would remain as a large, unbroken expanse of asphalt near Old York Road. The view, the heat island effect, shade for pedestrians and general site design would all be improved by adding green area, especially in the area closer to Old York Road.

- B. Monoculture Planting. Katoni Aster is planted in such a way as to form an uninteresting monoculture. We recommend greater variety in plantings be implemented in its place.

## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions will better achieve the Township's objectives for office development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



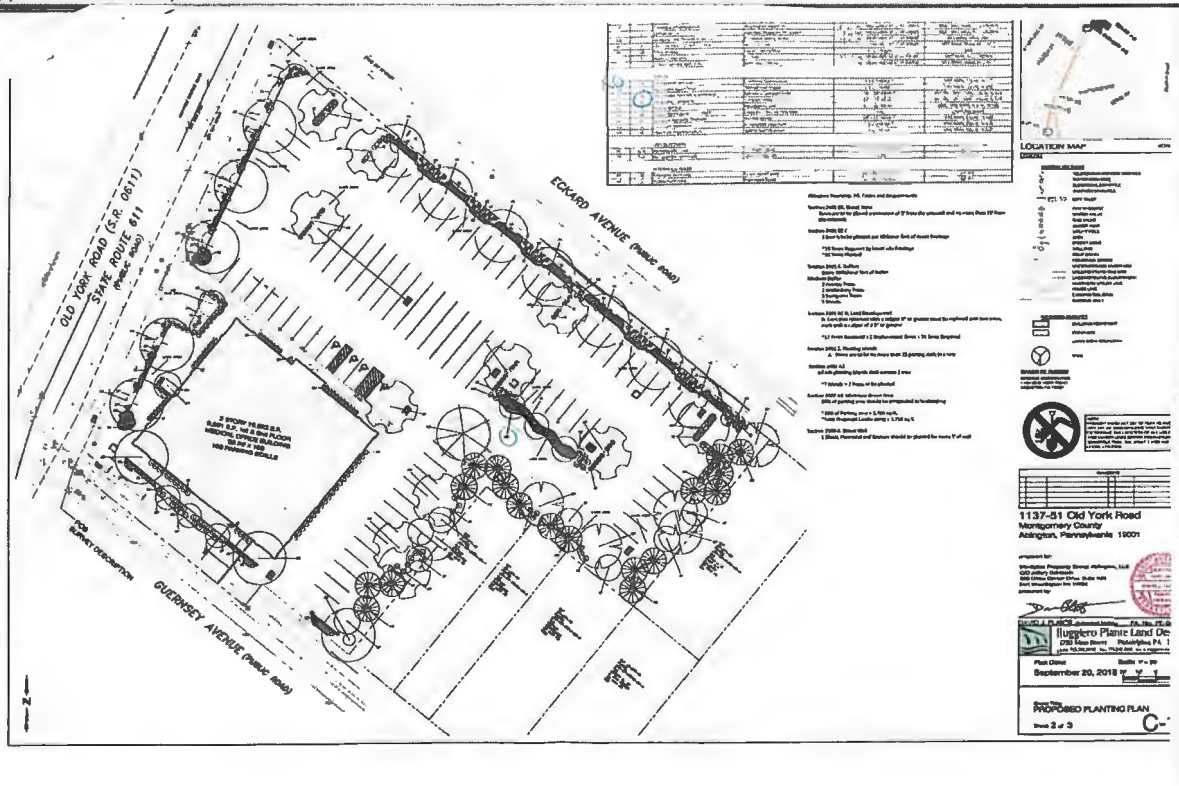
Mike Narcowich, AICP, Principal Planner II  
610.278.5238 - [mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

c: Mediplex Property Group Abington, LLC  
Linn Architects c/o Rob Linn, Applicant's Representative  
Richard J. Manfredi, Township Manager  
Mark Cassel, Director, Suburban Service Planning, SEPTA

Attachments: Applicant's Plan  
Aerial Photo  
Rendering showing crosswalk extending over two parking aisles

ATTACHMENT: APPLICANT'S PLAN

Applicant's Landscape Plan

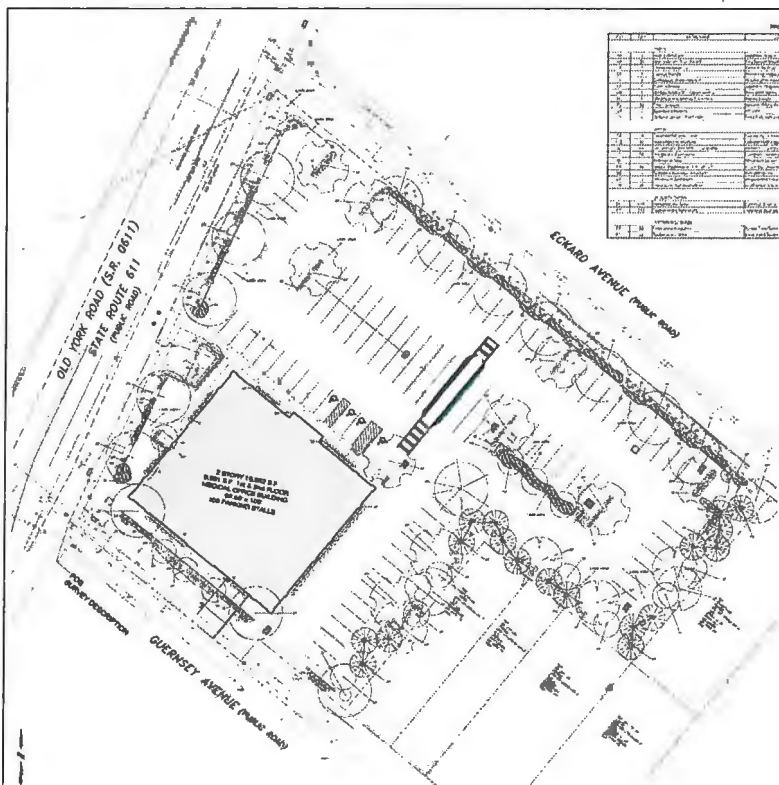


*Aerial View of Site*

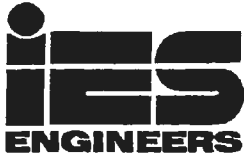




*Perpendicular crosswalk extending over two parking aisles, and pedestrian island*







1720 Walton Road, Blue Bell, PA 19422 610-828-3078 Fax 610-828-7842

September 18, 2018

E-MAIL

Mr. George W. Wrigley  
Director of Wastewater Utilities  
Abington Township  
1000 Fitzwatertown Road  
Roslyn, PA 19001

Subject: Mediplex Property Group Abington, LLC  
1137-1151 Old York Road  
Abington Township  
Sewage Facilities Planning Module  
IES Project No. EV181296.01

Dear Mr. Wrigley:

On behalf of Mediplex Property Group Abington, LLC (Mediplex), IES Engineers (IES) is pleased to submit the enclosed Sewage Facilities Planning Module Exemption Mailer for the property being developed into medical offices by Mediplex at 1137-1151 Old York Road in Abington Township.

Pursuant to our discussions, since the wastewater from this new building will be directly conveyed in the Abington Township sewer system to Philadelphia's Northeast Water Treatment Plant, both of which have sufficient capacity to handle the building's flows, a full Act 537 Mod Application will not be required.

We are enclosing with this application the Pennsylvania Natural Diversity Inventory, Plot Plan and artist's rendering of the proposed building, the wastewater discharge calculations, a letter from Aqua Water Company indicating it will serve the needs of this medical building, and other pertinent information.

We request you to sign this application and forward it to the Philadelphia Water Department for its signature, after which the executed application will be submitted to the Pennsylvania Department of Environmental Protection for approval.

Should you have any questions, please feel free to contact me or Mr. Stephen Carpey of Mediplex at (267) 513-1979. We appreciate your assistance on this matter.

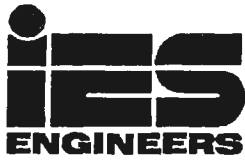
Very truly yours,

A handwritten signature in black ink that reads 'Christopher R. White'.

Christopher R. White  
Project Engineer

Attachment

cc: S. Carpey, Mediplex  
J. Goldstein, Mediplex  
R. Schlosser, IES  
A. Soni, IES



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## TABLE OF CONTENTS

### SEWAGE FACILITIES PLANNING MODULE

1. SEWAGE FACILITIES PLANNING MODULE EXEMPTION MAILER

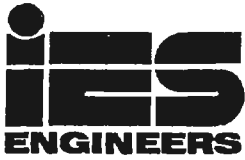
ATTACHMENT A: SECTION F – PROJECT NARRATIVE

ATTACHMENT B: PLOT PLAN AND ARTIST RENDERINGS

ATTACHMENT C: PENNSYLVANIA NATURAL DIVERSITY INVENTORY

ATTACHMENT D: WATER DISCHARGE CALCULATIONS

ATTACHMENT E: AQUA WATER COMPANY LETTER



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SEWAGE FACILITIES PLANNING MODULE EXEMPTION MAILER

1. Development Information

Name of Development 1137-1151 Old York Road
Developer Name Mediplex Property Group Abington, LLC
Address 500 Office Center Drive, Suite 400, Fort Washington, PA 19034
Telephone # (267) 513-1979
Email info@mediplexpropertygroup.com

2. Location of Development

a. County Montgomery
b. Municipality Abington Township
c. Address or Coordinates 1137, 1141, 1145, 1151 Old York Road, 1854, 1866, 1870 Eckard Ave, 1863, 1865 Guernsey Ave, Abington, PA 19001
d. Tax Parcel # 300049768008, 300049772004, 300049776009, 300049780005, 300014912007, 300025596006, 300025600002, 300014916003, 300014920008
e. USGS Quad Name Frankford, PA-NJ inches up 21.6 over 17.2 from bottom right corner of map.
f. Located in a High Quality/Exceptional Value watershed?
[ ] Yes [x] No

3. Type of Development Proposed (check appropriate box)

[ ] Residential [ ] Multi-Residential Describe
[x] Commercial [ ] Institutional Describe Medical offices
[ ] Brownfield Site Redevelopment
[ ] Other (specify)

4. Size

a. # of lots 9 # of EDUs 10 existing, 30 proposed
b. # of lots since 5/15/72 9
c. Development Acreage 10,000 sq. ft. building footprint = 0.23 acres
d. Remaining Acreage 1.45 acres (Total site area = 1.68 acres)

5. Sewage Flows 7,950 gpd

6. Proposed Sewage Disposal Method (check applicable boxes)

a. [x] Sewerage System
[ ] Existing (connection only) [ ] New (extension)
[ ] Public [ ] Private
[ ] Pump Station(s)/Force Main [ ] Gravity
Name of existing system being extended
Interceptor Name
Treatment Facility Name Philadelphia Northeast Wastewater Treatment Plant
NPDES Permit # PA0026689

- b. [ ] Construction of Treatment Facility
[ ] With Stream Discharge
[ ] With Land Application (not including IRSIS)
[ ] Other
[ ] Repair?

Name of waterbody where point of discharge is proposed (if stream discharge)

- c. [ ] Onlot Sewage Disposal Systems (check appropriate box)
[ ] Individual onlot system(s) (including IRSIS)
[ ] Community onlot system
[ ] Large-Volume onlot system
d. [ ] Retaining tanks

Number of Holding Tanks
Number of Privies

7. [x] Request Sewage Facilities Planning Module forms in electronic format

8. Request for Planning Exemption

a. Protection of rare, endangered or threatened species
Check one:
[x] The "PNDI Project Environmental Review Receipt" is attached. or
[ ] A completed "PNDI Project Planning & Environmental Review Form," (PNDI Form) is attached. I request DEP staff to complete the required PNDI search for my project. I realize that my planning exemption will be considered incomplete and that the DEP processing of my planning exemption request will be delayed, until a "PNDI Project Environmental Review Receipt" and all supporting documentation from jurisdictional agencies (when necessary) is/are received by DEP.

Applicant or Consultant Initials [Signature]

- b. [x] Plot Plan Attached [ ] Site Reports Attached

c. Onlot Disposal Systems

(1) I certify that the Official Plan shows this area as an onlot service area.

(Signature of Municipal Official) / Date

Name (Print) / Title

Municipality (must be same as in 2.b.)

Telephone #

(2) I certify that each lot in this subdivision has been tested and is suitable for both a primary and replacement sewage disposal system.

Signature of SEO / Date

Name (Print) / Certification #

Telephone #

(3) I certify that each lot in this subdivision is at least 1 acre in size

(Signature of Project Applicant/Agent) / Date

d. Public Sewerage Service (i.e., ownership by municipality or authority)



Return Correspondence/Forms to:

Chris White

IES Engineers

1720 Walton Road

Blue Bell, PA 19422

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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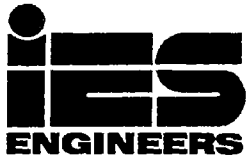
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DEP USE	
<b>Components Sent</b>	
Onlot Disposal	<input type="checkbox"/>
Collection and Treatment	<input type="checkbox"/>
Planning Agency Review	<input type="checkbox"/>
Exempt from Planning	<input type="checkbox"/>
Code	_____
Date	_____

"Fold Here"





ATTACHMENT A  
SECTION F – PROJECT NARRATIVE

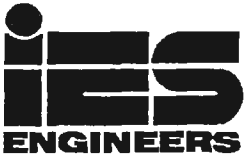
## PROJECT NARRATIVE

Mediplex Property Group Abington, LLC (Mediplex) has purchased nine parcels of property located on 1.68 acres of land in Abington Township to develop a medical office building. Currently, there are some physical structures on this land that will be demolished prior to constructing the proposed new two-story medical office building. The building will consist of two stories, each of 10,000 square feet. It is anticipated that the tenants will employ 60 full-time employees and that there will be a flow of approximately 20 patients/hour. This medical office building will have no special needs such as surgical, sterilization, or dialysis. This building will not have any cooling towers.

Based on our study of the situation, Mediplex believes that Abington Township should assign 10 EDUs to the project. Abington Township defines an EDU as 265 gallons/day of water. Therefore, the presently allocated sewer capacity for the medical office building is 2,650 gallons/day. IES calculated the water usage requirements for the proposed medical office building, which are shown in attached Attachment D. This table shows that the total water demand will be 7,844 gallons/day or 29.6 EDUs. If Abington Township allocates 10 EDUs to this building, Mediplex will be required to purchase 20 EDUs from the Township.

Discussions with George Wrigley of Abington Township indicated that sewage discharge from this building will be directly conveyed to Philadelphia's Northeast Water Treatment Plant via Abington Township's conveying system, both of which have sufficient capacity to handle the medical building's wastewater flows. The existing hook ups on Old York Road will be terminated in favor of one connection to the existing lateral located on Guernsey Avenue.

Mr. Wrigley also confirmed that the Township has the necessary number of EDUs available for purchase.



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ATTACHMENT B

PLOT PLAN AND ARTIST'S RENDERINGS



ZONING DATA		
MS-1 ZONING DISTRICT		
PROPOSED USE: F-2 MEDICAL OFFICE BUILDING		
REQUIREMENT		PROPOSED
LOT AREA	15,000 S.F.	16,199 S.F. (NET)
LOT WIDTH	120 FT	259 FT
LOT DEPTH	250 FT	262 FT (115.5 FT)
MAX. BLDG. HEIGHT	25 FT	2 STOREYS - 25 FT
TRIPLE FRONTAGE BUILDING STRIP		
OLD YORK ROAD	25 FT MAX. 15 FT MIN.	15 FT
GUERNEY AVE.	25 FT MAX. 15 FT MIN.	15 FT
ECKARD AVE.	15 FT MIN.	15 FT
REAR YARD	10 FT MIN.	N/A
REAR YARD	20 FT MIN.	N/A
BUILDING SETBACK FROM R-1	40 FT MIN.	40 FT
BUILDING SETBACK FROM R-2	20 FT MIN.	20 FT

4. ZONING REQUIREMENTS FOR PORTION OF PROJECT WITHIN MS-1  
 IS A SPECIAL EXCEPTION IS REQUIRED FOR F-2 MEDICAL OFFICE USE IN MS-1  
 A LIFT UPSCALE OF REQUIRED SETBACK IS ALLOWED WITH THE SETBACK POINTS THE  
 SPECIAL FEATURES WOULD CREATE ARE ZONED PROPERTY PLAZA OF AT LEAST 200 SQUARE FEET  
 AND A TOWER CLOUDED OF AT LEAST 5 FEET IN HEIGHT ABOVE ROOF LINE.

**SPACE CALCULATIONS**  
 THE FOLLOWING TABLE HAS BEEN PROVIDED FOR REDUCTION IN SPACE  
 REQUIREMENTS. 5 POINTS ARE REQUIRED FOR A 10% REDUCTION IN  
 REQUIRED UNDER SPACE.

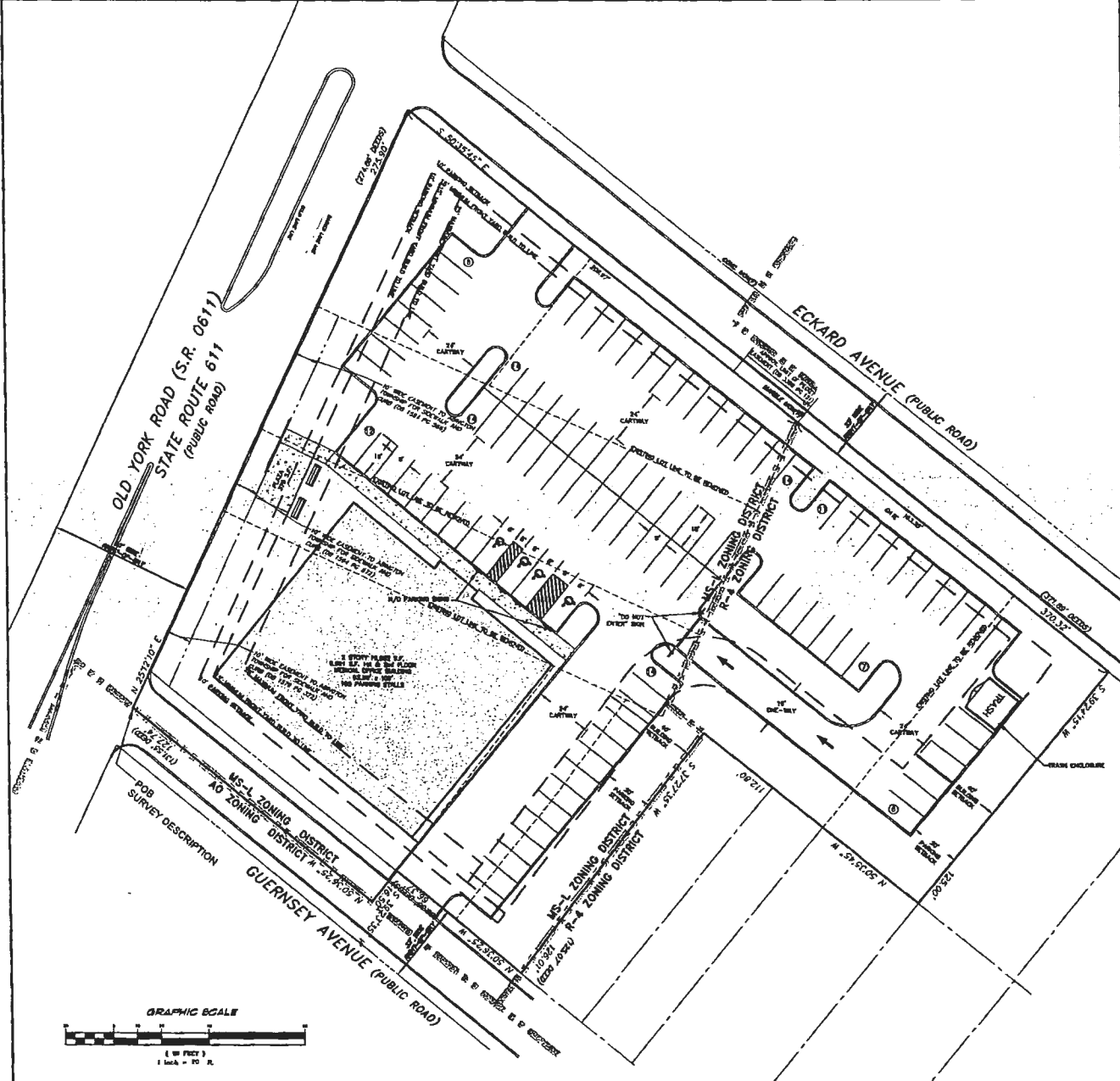
PLAZA	(1 POINT)
ZONING	(1 POINT)
TOTAL	(2 POINTS)

ZONING DATA		
B-4 ZONING DISTRICT		
PROPOSED USE: COMMERCIAL PARKING LOT		
REQUIREMENT		PROPOSED
LOT AREA	7,400 S.F.	16,140 S.F.
LOT WIDTH	80 FT	143 FT
LOT DEPTH	100 FT	120 FT
BUILDING SETBACKS		
FRONT YARD	20 FT	N/A
REAR YARD	15 FT	N/A
REAR YARD	25 FT	N/A
BUILDING COVERAGE	40% MAX	N/A
IMPERVIOUS COVERAGE	60% MAX	63% (1,300 S.F.)

4. ZONING REQUIREMENTS FOR PORTION OF PROJECT WITHIN B-4  
 IS CONTINUATION OF EXISTING USE, NOW CONFORMING USE OF COMMERCIAL PARKING IN B-4, OR  
 IN THE ALTERNATIVE, A VARIANCE REQUEST TO ALLOW THE USE OF A PARKING LOT WITHIN THE  
 B-4 RESIDENTIAL ZONING DISTRICT TO SUPPORT A MEDICAL OFFICE BUILDING LOCATED IN THE  
 B-4 DISTRICT.

**SPACE CALCULATION AND RESTRICTIONS**

1. 1,300 S.F. - USE F-2 MEDICAL CLINIC OR OFFICE - 1 PARKING SPACE PER 200  
 SQUARE FEET OF GROSS FLOOR AREA. 6 SPACES REQUIRED.  
 LEASABLE FLOOR AREA IS MEASURED BY THE EXTERIOR BUILDING WALLS, UNDER  
 AREAS OF THE BUILDING EXCEPT FOR BALCONY AND DRIVEWAY SPACES (CALCULATED  
 DIRECTLY AS STORAGE, MECHANICAL, AND BUILDING UTILITY SPACES SUCH AS  
 ELEVATOR SHAFTS, WALKER CLOSETS, AND BUILDING EQUIPMENT ROOMS, COMMON  
 HALLWAYS, AND STAIRWAYS, ACCESSIBLE LANDING USED FOR ARCHITECTURAL  
 CORNERWORK, OR DISPLAY AND NOT USED OR INTENDED FOR BUSINESS USE.  
 1,300 S.F. GROSS FLOOR AREA  
 6.50 FT. LOT WIDE LEASABLE AREA  
 1,300 S.F. TOTAL GROSS LEASABLE AREA  
 6.50 FT. TOTAL GROSS LEASABLE AREA X 1 SPACE PER 200 S.F. = 6.5 SPACES REQUIRED
2. 2,000 S.F. - USED WITHIN 200 FEET OF A SIGN SHIELD SIGN ARE PERMITTED A  
 20% REDUCTION IN THE REQUIRED NUMBER OF AUTOMOBILE PARKING SPACES  
 - 2,000 S.F. TOTAL GROSS LEASABLE AREA  
 1,300 S.F. TOTAL GROSS LEASABLE AREA X 1 SPACE PER 200 S.F. = 6.5 SPACES REQUIRED  
 20% REDUCTION = 5.2 SPACES REQUIRED  
 5.2 SPACES ROUNDED UP TO 6 SPACES REQUIRED
3. 2,000 S.F. - USED WITH A DETACHED PEDESTRIAN WALKWAY AND BICYCLE TRAIL  
 SYSTEM LEADING TO SURROUNDING RESIDENTIAL, COMMERCIAL, AND RECREATIONAL  
 DEVELOPMENT OR A PARK AND LEASABLE LOT, 20% REDUCTION IN THE  
 REQUIRED NUMBER OF AUTOMOBILE PARKING SPACES.  
 - 2,000 S.F. TOTAL GROSS LEASABLE AREA  
 1,300 S.F. TOTAL GROSS LEASABLE AREA X 1 SPACE PER 200 S.F. = 6.5 SPACES REQUIRED  
 20% REDUCTION = 5.2 SPACES REQUIRED  
 5.2 SPACES ROUNDED UP TO 6 SPACES REQUIRED



**LINN ARCHITECTS**

540 N. PRODUCE ROAD  
 MEDIA, PENNSYLVANIA 19063  
 TEL: 610-381-7044  
 FAX: 610-381-0328

ZONING EXHIBIT - 2 STORY MEDICAL OFFICE BUILDING  
 FOR  
 OLD YORK ROAD  
 ABERNETHY TOWNSHIP  
 MONTGOMERY COUNTY, PA

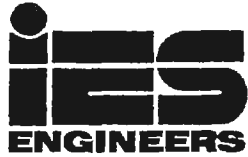
DATE:	REVISIONS:	DATE:
SCALE:	DESCRIPTION:	
DRAWN BY:		
CHECKED BY:		
PROJ. NO.:		
DWG. NO.:		
SHEET NO. <b>Z-1</b>		
SHEET 1 OF 1		











ATTACHMENT C

PENNSYLVANIA NATURAL DIVERSITY INVENTORY

## 1. PROJECT INFORMATION

Project Name: **Mediplex Medical Office Development**  
Date of Review: **8/9/2018 12:09:15 PM**  
Project Category: **Development, New commercial/industrial development (store, gas station, factory)**  
Project Area: **1.78 acres**  
County(s): **Montgomery**  
Township/Municipality(s): **ABINGTON**  
ZIP Code: **19001**  
Quadrangle Name(s): **FRANKFORD**  
Watersheds HUC 8: **Lower Delaware**  
Watersheds HUC 12: **Lower Pennypack Creek**  
Decimal Degrees: **40.115854, -75.120348**  
Degrees Minutes Seconds: **40° 6' 57.728" N, 75° 7' 13.2543" W**

## 2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

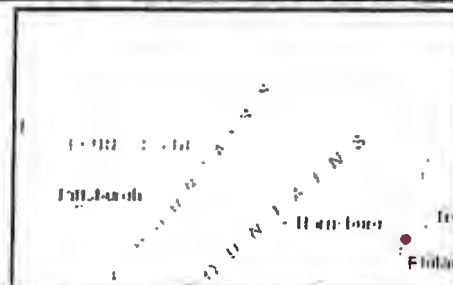
As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

## Mediplex Medical Office Development



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community  
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community







utility pole and guy wire  
required to be relocated

hydrant should be  
able to remain

Eckard Ave

Google



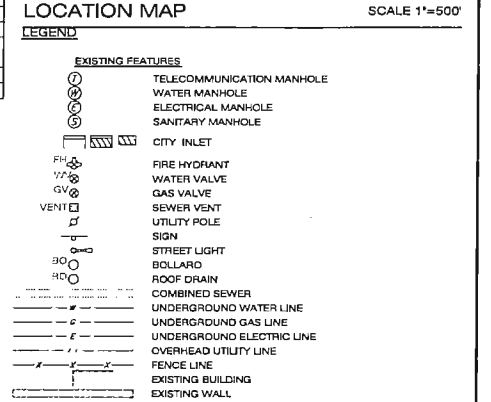
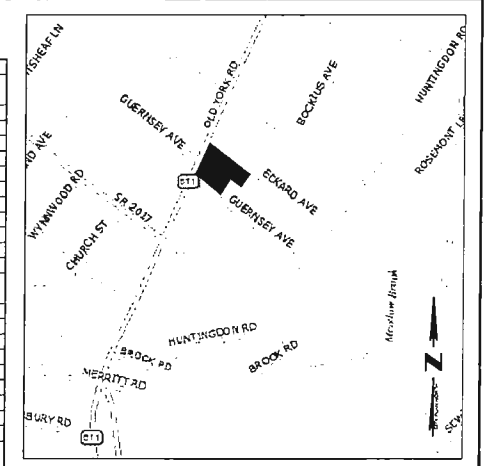


PROPOSED PLANT SCHEDULE

KEY	QTY	LATIN NAME	COMMON NAME	SIZE	NOTES
<b>TREES</b>					
AP	1	Acer palmatum	Japanese maple	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	BBB, SPECIMAN, FULL CROWN
AR	10	Acer rubrum 'Franksred'	Red Sunset Maple	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	SPECIMAN, BRANCHED AT 7'
CC	3	Cercis canadensis	Eastern Redbud	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	BBB, SPECIMAN, FULL CROWN
CF	8	Cornus florida	Flowering Dogwood	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	BBB, SPECIMAN, FULL CROWN
CP	3	Cornus phaeopyrum	Washington Hawthorn	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	BBB, SPECIMAN, FULL CROWN
CK	2	Cornus kousa	Japanese Dogwood Multistem	1-1 1/2 CAL. MEASURED AT 6" AT GRADE	BBB, SPECIMAN, FULL CROWN
GB	1	Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	SPECIMAN, MALE ONLY
HL	8	Gleditsia triacanthos f. inermis	Honey Locust	2-2 1/2 CAL. MEASURED AT 6" AT GRADE	SPECIMAN, BRANCHED AT 7'
PS	18	Pinus strobus	Eastern White Pine	8-10' HEIGHT	BBB
QP	5	Quercus palustris	P n Oak	3-3 1/2 CAL. MEASURED AT 6" AT GRADE	SPECIMAN, FULL CROWN
ZS	8	Zelkova serrata 'Gold Falls'	Gold Falls Zelkova	3-3 1/2 CAL. MEASURED AT 6" AT GRADE	SPECIMAN, BRANCHED AT 7'
<b>SHRUBS</b>					
CA	54	Cotoneaster apiculatus	Cranberry Cotoneaster	3-3 1/2 HEIGHT-T	SPECIMAN, EQUAL IN SIZE
HO	12	Hydrangea quercifolia	Oakleaf Hydrangea	3-3 1/2 HEIGHT-T	SPECIMAN, EQUAL IN SIZE
IC	66	Ilex crenata 'Benneke's compacta'	Benneke's Compact Holly	24" - 30" HEIGHT	#5 CAN. SPECIMAN, EQUAL IN SIZE
IG	50	Ilex alabra 'Compacta'	Compact Inkberry Holly	24" - 30" HEIGHT	#5 CAN. SPECIMAN, EQUAL IN SIZE
KL	3	Kalmia latifolia	Mountain Laurel	30" - 35" HEIGHT	BBB, SPECIMAN, EQUAL IN SIZE
RK	36	Rosa x 'Rudtkopp-K' P.P. 18507	Knecht Out Double Pink Rose	3 GAL.	UNIFORM SHAPE
SB	37	Spiraea x 'buxmaldii' 'Troebelin'	Buxmald Spiraea	18" - 24" HEIGHT	SPECIMAN, EQUAL IN SIZE
VD	31	Viburnum dentatum	Aronwood Viburnum	3-3 1/2 HEIGHT-T	SPECIMAN, EQUAL IN SIZE
VR	16	Viburnum rhytidophyllum	Leath'erial Viburnum	3-3 1/2 HEIGHT-T	SPECIMAN, EQUAL IN SIZE
<b>GROUNDCOVERS</b>					
DL	633	Hemerocallis fulva	Common Daylily	1 GALLON CONTAINER	18" O.C.
PT	147	Pachyandra terminalis	Japanese Spurge	PLUGS	18" O.C.
<b>PERENNIALS/ BUILDS</b>					
EP	18	Echinacea purpurea	Purple Coneflower	1 GALLON CONTAINER	74" O.C.
RF	22	Rudbeckia triloba	Black-eyed Susan	1 GALLON CONTAINER	18" O.C.

Abington Township, PA. Codes and Requirements

- Section 2401 B2. Street Trees**  
Trees are to be placed a minimum of 5' from the sidewalk and no more than 15' from the sidewalk
- Section 2401 B2 C.**  
1 tree is to be planted per 40 linear feet of street frontage  
\*19 Trees Required by linear site frontage  
\*20 Trees Planted
- Section 2401 4. Buffers**  
Every 100 Linear feet of buffer  
**Medium Buffer**  
2 canopy Trees  
2 Understory Trees  
5 Evergreen Trees  
5 Shrubs
- Section 2401 A2 D. Land Development**  
b. Each tree removed with a caliper 6" or greater must be replaced with two trees, each with a caliper of 2.5" or greater  
\*17 Trees Removed x 2 Replacement Trees = 34 Trees Required
- Section 2402 2. Planting Islands**  
a. There are to be no more than 15 parking stalls in a row
- Section 2402 A2.**  
a. Each planting islands shall contain 1 tree  
\*7 Islands = 7 Trees to be planted
- Section 2402 A6. Minimum Green Area**  
10% of parking area should be designated to landscaping  
\*10% of Parking area = 3,704 sq.ft.  
\*Total Proposed Landscaping = 3,718 sq.ft.
- Section 2500 A. Street Wall**  
1 Shrub, Perennial and Grasses should be planted for every 5' of wall



**OWNER OF RECORD**  
GREYLN ASSOCIATES  
1148 OLD YORK ROAD  
ABINGTON PA 19001

**NOTE:**  
PENNSYLVANIA ACT 287 OF 1974 AS AMENDED BY ACT 121 OF 2008 REQUIRES THAT CONTRACTORS DETERMINE THE LOCATION OF ALL UTILITY, SEWER AND WATER LINES BEFORE COMMENCING CONSTRUCTION. SEE SHEET 1 FOR THE LIST OF LOCAL UTILITIES.

NO.	REVISIONS

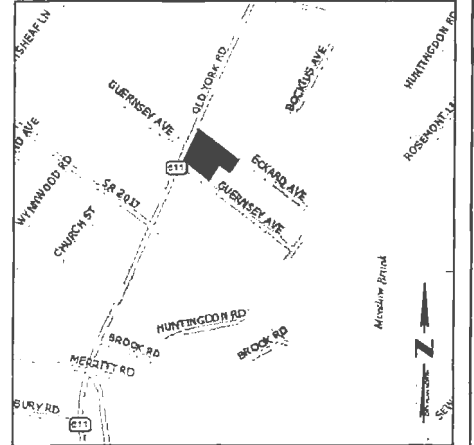
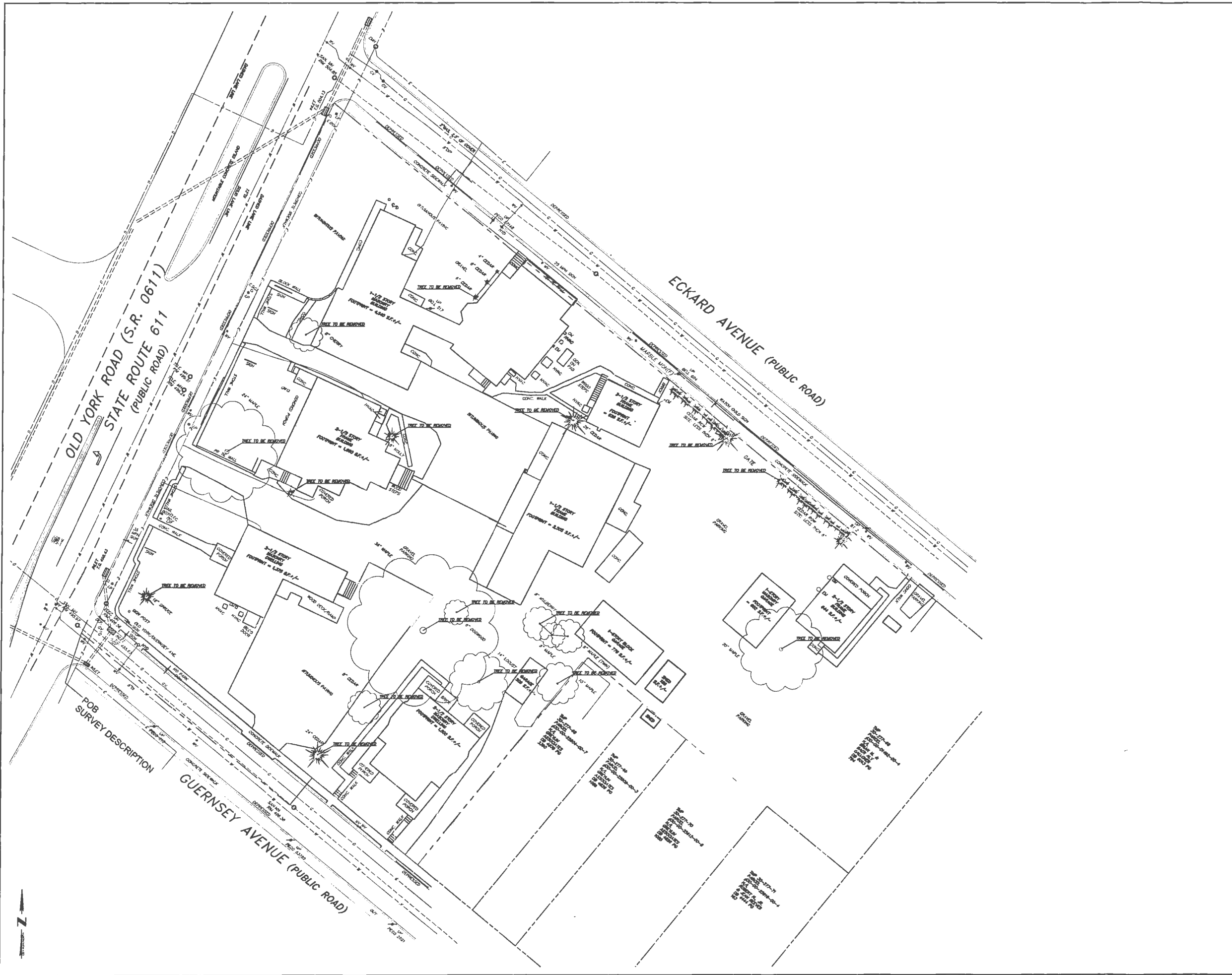
1137-51 Old York Road  
Montgomery County  
Abington, Pennsylvania 19001

prepared for:  
**Medplex Property Group Abington, LLC**  
C/O Jeffrey Goldstein  
500 Office Center Drive, Suite 400  
Fort Washington PA 19034  
prepared by:  
*David J. Plante*

DAVID J. PLANTE, Professional Engineer, PA. No. PE-043820-E  
**Ruggiero Plante Land Design**  
4220 Main Street Philadelphia, PA 19127  
phone 215.503.3900 fax 215.503.3900 www.ruggieroplantel.com

Plan Date: September 20, 2018 Scale: 1" = 20'  
Scale bar showing 0, 10, 20 feet.

Sheet Title: PROPOSED PLANTING PLAN  
Sheet 2 of 3  
**C-14**



LOCATION MAP SCALE 1"=1000'

- LEGEND**
- |  |                           |
|--|---------------------------|
|  | TELECOMMUNICATION MANHOLE |
|  | WATER MANHOLE             |
|  | ELECTRICAL MANHOLE        |
|  | SANITARY MANHOLE          |
|  | CITY INLET                |
|  | FIRE HYDRANT              |
|  | WATER VALVE               |
|  | GAS VALVE                 |
|  | SEWER VENT                |
|  | UTILITY POLE              |
|  | SIGN                      |
|  | STREET LIGHT              |
|  | BOLLARD                   |
|  | ROOF DRAIN                |
|  | COMBINED SEWER            |
|  | UNDERGROUND WATER LINE    |
|  | UNDERGROUND GAS LINE      |
|  | UNDERGROUND ELECTRIC LINE |
|  | OVERHEAD UTILITY LINE     |
|  | FENCE LINE                |
|  | EXISTING BUILDING         |
|  | EXISTING WALL             |

EXISTING FEATURES ARE BASED ON A SURVEY PREPARED BY J. DAVID SHULA

**OWNER OF RECORD**  
GREYLN ASSOCIATES  
1145 OLD YORK ROAD  
ABINGTON PA 19001



NOTE:  
PENNSYLVANIA ACT 287 OF 1974 AS AMENDED BY ACT 121 OF 2008 REQUIRES THAT CONTRACTORS DETERMINE THE LOCATION OF ALL UTILITY, SEWER AND WATER LINES BEFORE COMMENCING CONSTRUCTION. SEE SHEET 1 FOR THE LIST OF LOCAL UTILITIES.

REVISIONS	

1137-51 Old York Road  
Montgomery County  
Abington, Pennsylvania 19001

prepared for:  
**Medplex Property Group Abington, LLC**  
C/O Jeffery Goldstein  
500 Office Center Drive, Suite 400  
Fort Washington PA 19034

prepared by:



DAVID J. PLANTE, Professional Engineer, PA No. PE-043820-E

**Ruggiero Plante Land Design**  
4220 Main Street Philadelphia, PA 19127  
phone 215.509.3900 fax 215.509.3901 www.ruggieroplante.com

Plan Date: September 20, 2018 Scale: 1" = 20'

Sheet Title: EXISTING FEATURES PLAN  
Sheet 1 of 3 **C-13**





## ADMINISTRATIVE CODE AND LAND DEVELOPMENT

### AGENDA ITEM

November 27, 2018

*DATE*

ACL - 02-121318

*AGENDA ITEM NUMBER*

Engineering and Code

*DEPARTMENT*

#### FISCAL IMPACT

Cost > \$10,000.

Yes

No

#### PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

#### **AGENDA ITEM:**

Subdivision Application SD-18-04, Harrise Yaron and Jennifer Parke, and Ayinke Hipps-Feit and Seth Feit

#### **EXECUTIVE SUMMARY:**

The application of Harrise Yaron and Jennifer Parke, owners of the property located at 936 Moredon Road and Ayinke Hipps-Feit and Seth Feit, owners of the property located at 979 Dale Road, Meadowbrook, PA. The plan proposed to transfer 6,120 square feet of ground from 936 Moredon Road to 979 Dale Road. 936 Moredon Road will be reduced in size from 3.39 acres to 3.25 acres in lot size. 979 Dale Road will be increased from 1.25 acres to 1.39 acres in total lot area. No other alterations are proposed to either property. Both properties will comply with the dimensional requirements of Section 302, Figure 3.1 of the Zoning Ordinance of the Township of Abington.

#### **PREVIOUS BOARD ACTIONS:**

Applicant is scheduled to appear at December 11, 2018 Planning Commission meeting to request recommendation of approval of their Subdivision Application.

#### **RECOMMENDED BOARD ACTION:**

Consider a motion approving the Subdivision Application for a lot line change by Harrise Yaron and Jennifer Parke, and Ayinke Hipps-Feit and Seith Feit for properties located at 936 Moredon Road and 979 Dale Road, Meadowbrook, PA.k Road, Abington, PA.



# Township of Abington

Engineering & Code Department

Wayne C. Luker, President  
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*  
Amy R. Montgomery, *P.E., Director*

## Subdivision & Land Development Notice Plan Review SD-18-04

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Engineering & Code Committee and Board of Commissioners, to discuss the application of **Harrise Yaron, Jennifer Parke & Ayinke-Hipps-Feit and Seth Feit.**

MEETINGS	DATE AND TIME
Planning Commission Committee	November 15, 2018 @ 7:30 p.m.
Engineering & Code Committee	December 5, 2018 @ 7:00 p.m.
Board of Commissioners	December 13, 2018 @ 7:30 p.m.

This is the application of **Harrise Yaron & Jennifer Parke**, owners of the property located at 936 Moredon Road and **Ayinke-Hipps-Feit & Seth Feit**, owners of the property located at 979 Dale Road, Meadowbrook, Pa. The plan proposed to transfer 6,120 square feet of ground from 936 Moredon Road to 979 Dale Road. 936 Moredon Road will be reduced in size from 3.39 acres to 3.25 acres in lot size. 979 Dale Road will be increased from 1.25 acres to 1.39 acres in total lot area. No other alterations are proposed to either property. Both properties will comply with the dimensional requirements of Section 302, Figure 3.1 of the Zoning Ordinance of the Township of Abington.

The revised application and plans submitted on October 15, 2018 are on file in the Engineering & Code Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1010.

Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington


- ***These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.***

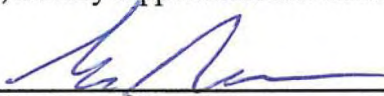
**Township of Abington**  
**APPLICATION FOR MODIFICATION OF PLAN**

Submission Date 9/24/18 Application No. SA-18-04

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Land Owner

Title of Plan Submitted: Plan of Lot Line Change Prepared for Tax Block 33 Units 5 & 269

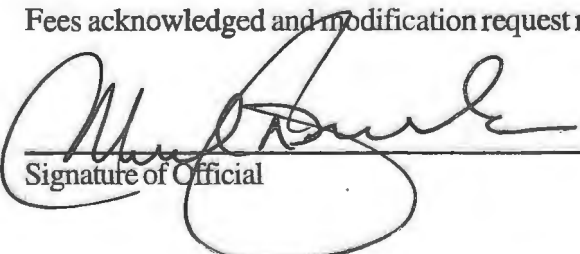
A. Plan Type:

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Preliminary Major SD & LD

- Minor Land Development
- Pre Major Land Development
- Final Major Land Development
- Final Major SD & LD

<u>Regulation Topic</u>	<u>Section #</u>	<u>Extent of Modification Requested</u>
<u>Property Identification</u>	<u>146-11.A &amp; 146-11.B</u>	<u>(Partial Waiver) To not include all properties &amp; existing features within 400 feet of the site.</u>
<u>Street Trees</u>	<u>146-11.H</u>	<u>To not require additional trees on wooded lots</u>
<u>Architectural Plan</u>	<u>146-11.L</u>	<u>To not require tentative architectural plans (no work proposed)</u>
<u>Right of Way Width</u>	<u>146-24.D</u>	<u>To have the right-of-way widths remain as plotted</u>
<u>Curb, Gutter &amp; Sidewalk</u>	<u>146-27</u>	<u>To not require sidewalks and curbs along Moredon Road or along Dale Road</u>
<u>Street Lighting</u>	<u>146-38</u>	<u>To not require additional street lighting</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Fees acknowledged and modification request received:

  
 \_\_\_\_\_  
 Signature of Official

**RECEIVED**  
 SEP 24 2018

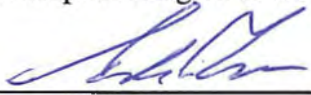
Date BY: .....


**Township of Abington  
APPLICATION FOR APPROVAL OF PLAN**

Submission Date 9/24/18 Application No. SD-18-04

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled 'The Subdivision and Land Development Regulations of the Township of Abington of 1991', and any supplements and amendments thereto.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Land Owner

Title of Plan Submitted: Plan of Lot Line Change Prepared for Tax Block 33 Units 5 & 269

A. Plan Type:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision  | <input type="checkbox"/> Minor Land Development       |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Pre Major Land Development   |
| <input type="checkbox"/> Final Major Subdivision       | <input type="checkbox"/> Final Major Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD     | <input type="checkbox"/> Final Major SD & LD          |

B. Plan Identification:

Plan Dated: 8/20/18 Engineer: Nick T. Rose, P.E., ProTract Engineering, Inc.

Plan Proposes: Brief narrative of the proposed activity. Commercial applications to include building square footage and specific uses; Residential applicants to include number of lots and amount of dwelling unit types:

6,550 square feet of land to be transferred from Unit 5 to Unit 269. No development or construction proposed, no new lots proposed.

C. Property Identification:

Address/Location 936 Moredon Road and 979 Dale Road, Meadowbrook PA 19046

between streets Dale Road and Mill Road

(continued on next page)

D. Applicant Identification:

Applicant Harrise Yaron & Jennifer Parke, Seth Feit & Ayinke Hips-Feit (co-applicants)

Address 936 Moredon Road, and 979 Dale Road, Meadowbrook, PA 19046 Phone 215-442-9230

Land Owner same as co-applicants

Address \_\_\_\_\_ Phone \_\_\_\_\_

Equitable Land Owner \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Engineer Nick T. Rose, P.E., ProTract Engineering, Inc.

Address P.O. Box 58, Hatboro, PA 19040 Phone 215-442-9230

Attorney Jessica L. Rice, Fox Rothschild LLP

Address 2700 Kelly Road, Suite 300, Warrington, PA 18976 Phone 215-345-7500

<u>IMPROVEMENTS PROPOSED</u>	<u>UNITS</u>	<u>ESTIMATED COST</u>
Streets	<u>NONE</u>	
Street Widening		
Street Signs		
Street Lighting		
Curbs		
Sidewalks		
Storm Sewers		
Water Supply		
Fire Hydrants		
Sanitary Sewers		
Monuments		
Shade Trees		
Open Space		
Park Lane		
Other		
Total Cost:	<u>0.00</u>	

.....

Fees received from applicant:	Application Fee	<u>\$ 300.00</u>
	Review Escrow	<u>\$ 2,500.00</u>
	Total	<u>\$ 2,800.00</u>

Fees acknowledged and application accepted as complete:

[Signature]

Signature of Official

**RECEIVED**

SEP 24 2018

Date

Check # 4106 - Rec # 180024

BY: .....





# Township of Abington

*Engineering & Code Department*

Wayne C. Luker, President  
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*  
Amy R. Montgomery, *P.E., Director*

Ms. Jessica L. Rice  
Fox Rothschild, LLP  
2700 Kelly Road, Suite 300  
Warrington, Pa. 18976

November 4, 2018

**Re: Subdivision Application SD-18-04, 936 Moredon Road and 979 Dale Road, Meadowbrook, Pa. 19046.**

Dear Ms. Rice,

The Township of Abington has received the revised subdivision plan, dated October 15, 2018 for the properties located at 936 Moredon Road and 979 Dale Road, Meadowbrook, Pa. 19046. The plan proposed to transfer 6,120 square feet of ground from 936 Moredon Road to 979 Dale Road. 936 Moredon Road will be reduced in size from 3.39 acres to 3.25 acres in lot size. 979 Dale Road will be increased from 1.25 acres to 1.39 acres in total lot area. No other alterations are proposed to either property. Both properties will comply with the dimensional requirements of Section 302, Figure 3.1 of the Zoning Ordinance of the Township of Abington.

Abington Township staff has reviewed the revised plan and the following items must be addressed to the satisfaction of the Board of Commissioners of the Township of Abington.

1. In the event that the application is approved, revised deeds are required to be submitted with the final plan set, at the time the final plan set is submitted for signatures and seals by the Township of Abington.
2. Concrete monuments are required to be set at each off-set of the proposed new property line. This will be a total of seven monuments.
3. The plan is required to be amended to include the Abington Township application number of SD-18-04.
4. This application was submitted and reviewed as a preliminary as final minor subdivision plan. The following waivers have been requested.

**Section 146-11.A:** Property Identification Plan – To provide tax parcel number and the names of all property owners within 400 feet of the site.

**Section 146-11.B:** Existing Features Plan – To provide the type, size and location of all utilities within 400 feet of the site.

**Section 146-11.H:** Landscaping and Shade Tree Plan – The applicant seeks a waiver from the requirement to provide an existing tree location plan. The applicant states in the application that the lots are “wooded”.

**Section 146-11.L:** Architectural Plan – The applicants seek a waiver from this requirement as no alterations to either property is proposed at this time.

**Section 146-24.D:** Right of Way Width – A waiver has been requested to allow Dale Road to remain at the current 40-foot right-of-way width and Moredon Road to remain at the current 36.5-foot right-of-way width.

**Section 146.27:** Curb, Gutter & Sidewalks – A waiver has been requested for the installation of curbing, gutters and sidewalks.

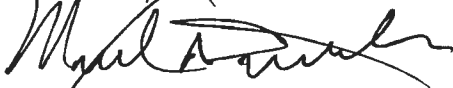
**Section 146-38:** Street Lighting – The applicants seek a waiver for the installation of street lighting.

In addition to the waivers requested by the applicant, staff believes that the following waiver is also required.

**Section 146-30:** Lots – A waiver is required for the shape of the proposed new property line. The ordinance states “lots excessively irregular in shape are to be avoided.”

The approval of the required waivers is at the sole discretion of the Board of Commissioners of the Township of Abington. If there are any questions that you may have, please feel free to contact me at number listed below.

Sincerely,



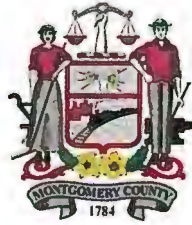
Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington  
267-536-1010/mpenecale@abington.org



Cc: Harris Yaron & Jennifer Parke, 936 Moredon Road, Meadowbrook, Pa. 19046  
Seth Feit & Ayinke Hipps-Feit, 979 dale Road, Meadowbrook, Pa. 19046  
Nick T, Rose, P.E., P. O. Box 58, Hatboro, Pa. 19040  
File Copy (2)

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

October 18, 2018

Mr. Richard J. Manfredi, Township Manager  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: MCPC #18-0096-002  
Plan Name: Plan of Lot Line Change for Tax Block 33, Units 5 & 269  
(2 lots comprising 4.5 acres)  
Abington Township

Dear Mr. Manfredi:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on October 3, 2018. We forward this letter as a report of our review. We previously reviewed a proposal for this site on May 22, 2018.

## BACKGROUND

Harrise Yaron, Jennifer Parke and Seth Feit, applicants, have submitted a preliminary subdivision plan for a lot line change affecting 4.5 acres in the R1 Low Density Residential District. 936 Moredon Road (Tax Block 33, Unit 5) would be diminished in size from 3.3988 acres to 3.2484, while 979 Dale Road (Tax Block 33, Unit 269) would be increased in size from 1.2575 acres to 1.4080 acres.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the applicant's proposal without comment as we have found it to be generally consistent with the Township's zoning and subdivision and land development ordinances.

## CONCLUSION

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.



Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,

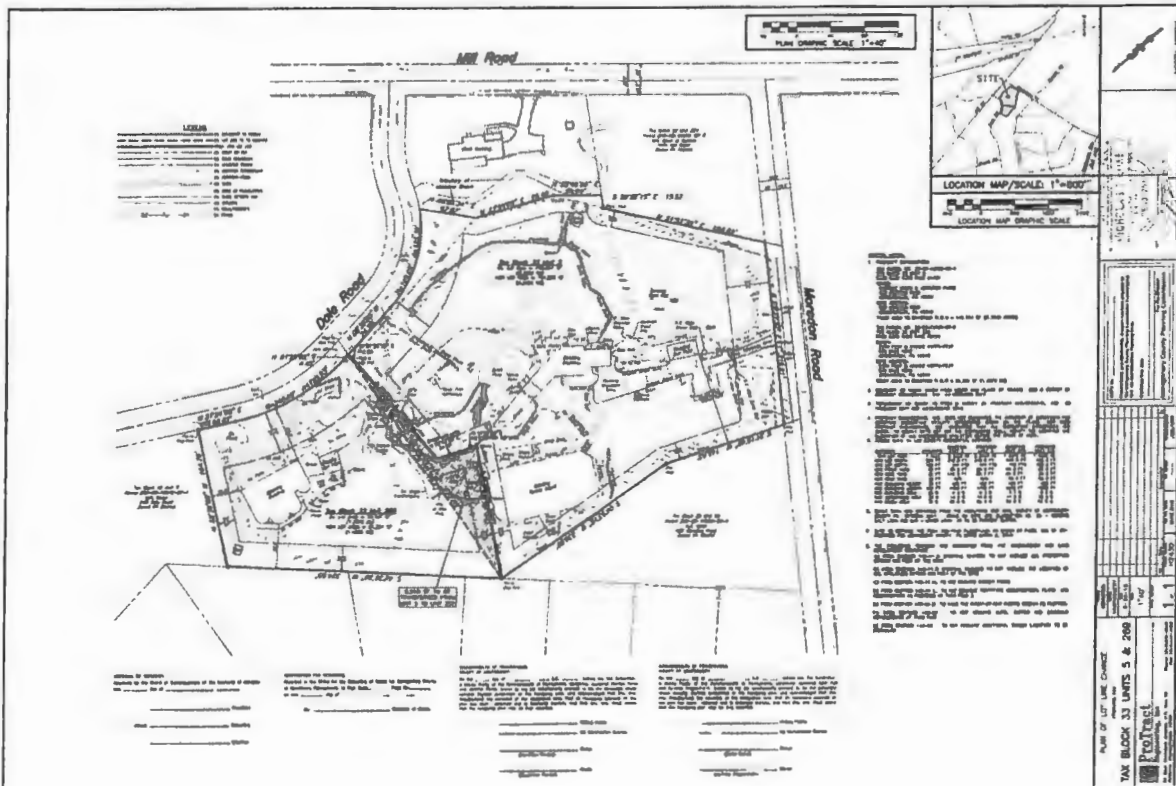


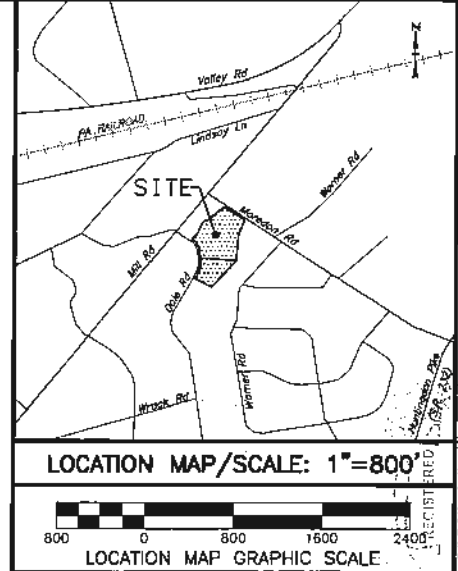
Mike Narcowich, AICP, Principal Planner II  
610.278.5238 - [mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

c: Harrise Yaron, Jennifer Parke and Seth Felt, Applicants  
Nick T. Rose, P.E., Applicant's Representative  
Richard J. Manfredi, Township Manager

Attachments: Applicant's Plan

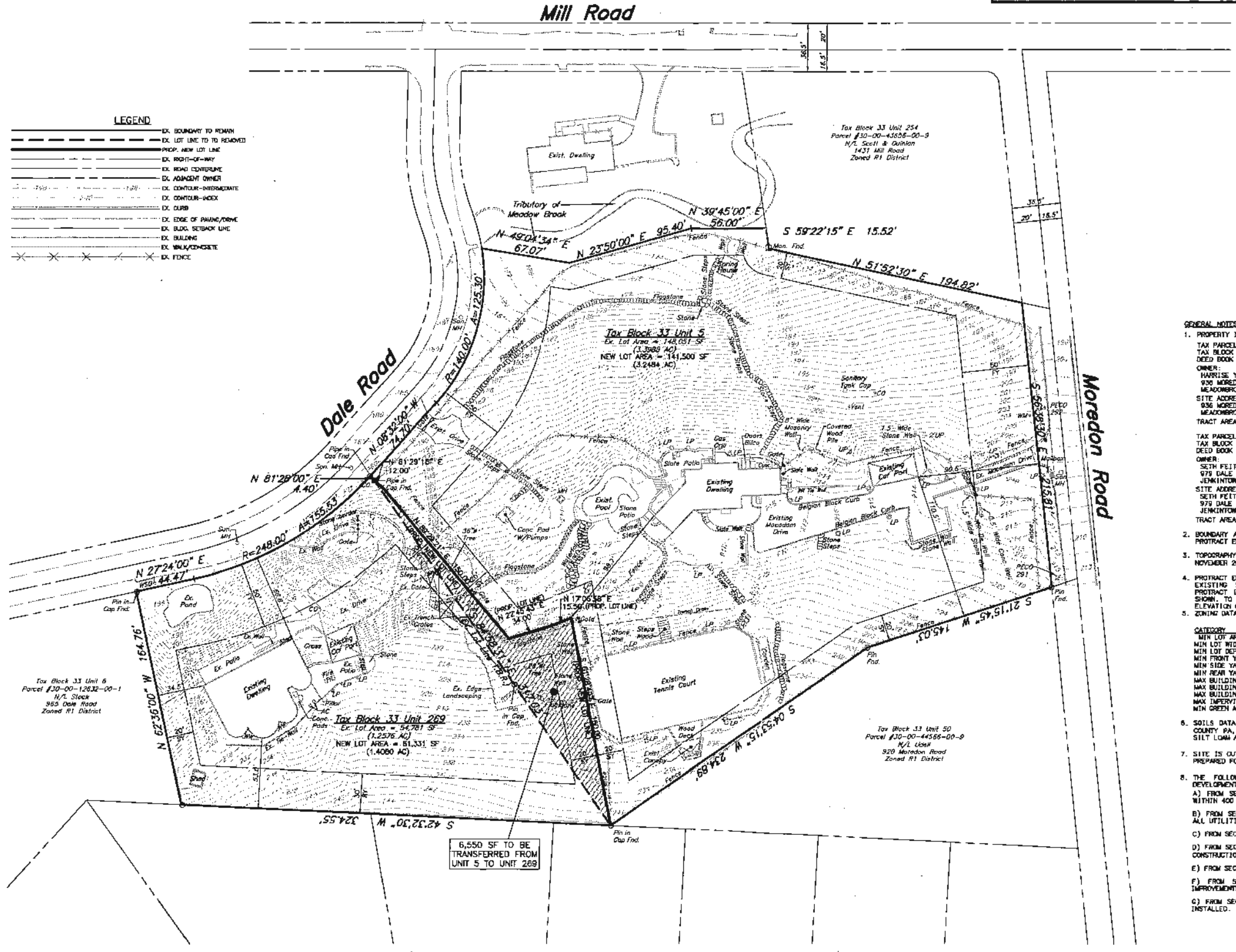
ATTACHMENT: APPLICANT'S PLAN





**LEGEND**

- EX. BOUNDARY TO REMAIN
- - - EX. LOT LINE TO REMOVED
- PROP. NEW LOT LINE
- EX. RIGHT-OF-WAY
- EX. ROAD CENTERLINE
- EX. ADJACENT OWNER
- EX. CONTOUR-INTERMEDIATE
- EX. CONTOUR-ROCK
- EX. CURB
- EX. EDGE OF PAVING/DRIVE
- EX. BLDG. SETBACK LINE
- EX. BUILDING
- EX. WALK/CONCRETE
- EX. FENCE



- GENERAL NOTES:**
- PROPERTY INFORMATION:  
TAX PARCEL NO. 30-00-4452-00-4  
TAX BLOCK 33 UNIT 5  
DEED BOOK 5850 PAGE 01401  
OWNER: HARRISE YARON & JENNIFER PARKE  
930 MOREDON ROAD  
MEADOWBROOK, PA 19046  
SITE ADDRESS:  
936 MOREDON ROAD  
MEADOWBROOK, PA 19046  
TRACT AREA TO EXISTING R.O.W. = 148,051 SF (3.3988 ACRES)  
TAX PARCEL NO. 30-00-12636-00-6  
TAX BLOCK 33 UNIT 269  
DEED BOOK 6004 PAGE 00164  
OWNER:  
SETH FEIT & AYINKE HIPPS-FEIT  
979 DALE ROAD  
JENKINTOWN, PA 19046  
SITE ADDRESS:  
979 DALE ROAD  
JENKINTOWN, PA 19046  
TRACT AREA TO EXISTING R.O.W. = 54,761 SF (1.2576 AC)
  - BOUNDARY AS SHOWN TAKEN FROM DEEDS AND PLANS OF RECORD, AND A SURVEY BY PROTRACT ENGINEERING, INC. IN NOVEMBER 2017.
  - TOPOGRAPHY AS SHOWN IS FROM A SURVEY BY PROTRACT ENGINEERING, INC. IN NOVEMBER 2017 AND JULY/AUGUST 2018.
  - PROTRACT ENGINEERING, INC. DOES NOT GUARANTEE THE ACCURACY OF LOCATIONS FOR EXISTING SUBSURFACE UTILITY STRUCTURES SHOWN ON THE PLANS. NOR DOES PROTRACT ENGINEERING, INC. GUARANTEE THAT ALL SUBSURFACE STRUCTURES ARE SHOWN. TO COMPLY WITH ACT 187 THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES BEFORE THE START OF WORK.
  - ZONING DATA: R1 LOW DENSITY RESIDENTIAL DISTRICT
- | CATEGORY            | REQUIRED | EXISTING UNIT 5 | PROPOSED UNIT 5 | EXISTING UNIT 269 | PROPOSED UNIT 269 |
|---------------------|----------|-----------------|-----------------|-------------------|-------------------|
| MIN LOT AREA        | 1 ACRE   | 3.3988 AC       | 3.2484 AC       | 1.2576 AC         | 1.4080 AC         |
| MIN LOT WIDTH       | 200 FT   | 215.8 FT        | 215.8 FT        | 448.0 FT          | 448.0 FT          |
| MIN LOT DEPTH       | 100 FT   | 441 FT          | 441 FT          | 165 FT            | 165.0 FT          |
| MIN FRONT YARD      | 50 FT    | 90.5 FT         | 90.5 FT         | 56.8 FT           | 56.8 FT           |
| MIN SIDE YARD       | 20 FT    | 110.8 FT        | 90.7 FT         | 34.3 FT           | 34.3 FT           |
| MIN REAR YARD       | 30 FT    | N/A             | N/A             | 53.0 FT           | 53.0 FT           |
| MAX BUILDING HEIGHT | 35 FT    | <35 FT          | <35 FT          | <35 FT            | <35 FT            |
| MAX BUILDING LENGTH | 150 FT   | <150 FT         | <150 FT         | <150 FT           | <150 FT           |
| MAX IMPERVIOUS AREA | 25 %     | 14.0 %          | 14.6 %          | 17.2 %            | 15.4 %            |
| MIN GREEN AREA      | 75 %     | 88.0 %          | 85.4 %          | 82.8 %            | 84.6 %            |
- SOILS DATA WAS OBTAINED FROM THE USDA/NRCS WEB SOIL SURVEY OF MONTGOMERY COUNTY PA, OCTOBER 2017. SOILS ON SITE ARE CLASSIFIED AS: CH - ODODRUS SILT LOAM AND M60 - MANDR LOAM. 13 TO 25 PERCENT SLOPES.
  - SITE IS OUTSIDE THE FEMA 100-YEAR FLOODPLAIN AS SHOWN ON PANEL 402 OF 451, PREPARED FOR MONTGOMERY COUNTY, PA DATED MARCH 2, 2010.
  - THE FOLLOWING WAIVERS ARE REQUESTED FROM THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:
    - FROM SECTION 148-11.A (PARTIAL WAIVER) TO NOT INCLUDE ALL PROPERTIES WITHIN 400 FEET OF THE SITE.
    - FROM SECTION 148-11.B (PARTIAL WAIVER) TO NOT INCLUDE THE LOCATION OF ALL UTILITIES WITHIN 400 FEET OF THE SITE.
    - FROM SECTION 148-11.H. TO NOT REQUIRE STREET TREES.
    - FROM SECTION 148-11.L. TO NOT REQUIRE TENTATIVE ARCHITECTURAL PLANS. (NO CONSTRUCTION IS PROPOSED AT THIS TIME.)
    - FROM SECTION 148-24.D. TO HAVE THE RIGHT-OF-WAY WIDTHS REMAIN AS PLOTTED.
    - FROM SECTION 148-27. TO NOT REQUIRE CURB, GUTTER AND SIDEWALK IMPROVEMENTS AT THIS TIME.
    - FROM SECTION 148-38. TO NOT REQUIRE ADDITIONAL STREET LIGHTING TO BE INSTALLED.

**APPROVAL OF TOWNSHIP:**  
Approved by the Board of Commissioners of the Township of Abington  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Engineer

**CERTIFICATION FOR RECORDING:**  
Recorded in the Office for the Recording of Deeds for Montgomery County at Norristown, Pennsylvania, in Plan Book \_\_\_\_\_ Page No. \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_ Recorder of Deeds

**COMMONWEALTH OF PENNSYLVANIA**  
COUNTY OF MONTGOMERY:

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ before me, the Subscriber, a Notary Public of the Commonwealth of Pennsylvania, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me (or satisfactorily proven) to be the person(s) whose name(s) (he/one) subscribed to the foregoing plan, and acknowledged that (he, she, they/one) the owner(s) of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon, and that (he, she, they) desire that the foregoing plan may be duly recorded.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Owner  
(Harrise Yaron)

\_\_\_\_\_  
Owner  
(Jennifer Parke)

**COMMONWEALTH OF PENNSYLVANIA**  
COUNTY OF MONTGOMERY:

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ before me, the Subscriber, a Notary Public of the Commonwealth of Pennsylvania, personally appeared Seth Feit and Ayinke Hipps-Feit, known to me (or satisfactorily proven) to be the person(s) whose name(s) (he/one) subscribed to the foregoing plan, and acknowledged that (he, she, they/one) the owner(s) of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon, and that (he, she, they) desire that the foregoing plan may be duly recorded.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Owner  
(Seth Feit)

\_\_\_\_\_  
Owner  
(Ayinke Hipps-Feit)

PLAN OF LOT LINE CHANGE  
PREPARED FOR  
**TAX BLOCK 33 UNITS 5 & 269**

PROTRACT  
Engineering, Inc.  
84 East Main Street, 2nd Fl., Box 66  
Mechanicsville, Pennsylvania 17042  
Phone (610)444-9220  
Fax (610)444-9228

APPROVED FOR THE DIRECTOR  
MONTGOMERY COUNTY PLANNING COMMISSION  
CERTIFIED THIS DATE \_\_\_\_\_ 20\_\_\_\_

By \_\_\_\_\_  
For the Director  
Montgomery County Planning Commission

APPROVED FOR THE TOWNSHIP  
ABINGTON TOWNSHIP  
DATE 8-20-18  
SCALE 1"=40'  
SHEET NUMBER 1 of 1





## ADMINISTRATIVE CODE AND LAND DEVELOPMENT

### AGENDA ITEM

November 30, 2018

*DATE*

Administration

*DEPARTMENT*

ACL - 03-121318

*AGENDA ITEM NUMBER*

#### FISCAL IMPACT

Cost > \$10,000.

Yes

No

#### PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

#### **AGENDA ITEM:**

Appointment of Township Labor Attorney/Employment Counsel

#### **EXECUTIVE SUMMARY:**

The Township requested proposals for qualifications for Township Labor Attorney/Employment Counsel on November 1, 2018. Four (4) firms responded and submitted proposals:

1. Campbell Durrant Beatty Palombo & Miller, P.C.
2. Clark Hill PLC
3. Maiello, Brungo & Maiello
4. Siana Bellwoar

Many neighboring municipalities such as: Cheltenham Township, Lower Moreland Township, Upper Moreland Township, Horsham Township, and Montgomery County use firms that responded to the Township's request for qualifications. Other nearby municipalities were contacted that do not use firms listed above. Warminster Township and Upper Dublin Township both use Eckert Seaman. In reviewing the proposals and contacting other municipalities in the area, the rate given by Campbell Durrant Beatty Palombo & Miller, P.C. is found to be fair and reasonable.

#### **PREVIOUS BOARD ACTIONS:**

N/A

#### **RECOMMENDED BOARD ACTION:**

Consider a motion to appoint Campbell Durrant Beatty Palombo & Miller, P.C. as Township Labor Attorney/Employment Counsel at the hourly rates included in Option B of their proposal.



# TOWNSHIP OF ABINGTON

*Office of the Township Manager*

Richard J. Manfredi  
Township Manager

Tara Wehmeyer  
Assistant Township Manager

## MEMORANDUM

To: Richard J. Manfredi, Township Manager  
From: Tara Wehmeyer, Assistant Township Manager  
Date: November 27, 2018  
Subject: Municipal Labor Attorney/Employment Counsel

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The Township requested proposals for qualifications for Municipal Labor Attorney/Employment Counsel on November 1, 2018. Four (4) firms responded and submitted proposals:

1. Campbell Durrant Beatty Palombo & Miller, P.C.
2. Clark Hill PLC
3. Maiello, Brungo & Maiello
4. Siana Bellwoar

Many neighboring municipalities, such as: Cheltenham Township, Lower Moreland Township, Upper Moreland Township, Horsham Township, and Montgomery County use firms that responded to the townships request for qualifications. Other nearby municipalities were contacted that do not use firms listed above. Warminster uses Ryan Cassidy and Scott Blissman; and Upper Dublin who also uses Scott Blissman at Eckert Seamans. In reviewing the proposals and contacting other municipalities in the area, the rate given by Campbell Durrant Beatty Palombo & Miller, P.C. is found to be fair and reasonable.

We have been working with Pat Harvey, and other Attorneys in the firm with Campbell Durrant Beatty Palombo & Miller, P.C., on a number of issues formally since February 2018. We have found their counsel to be thorough and their knowledge saves us time and money because their experience often has instant and correct answers, as well as sound judgment. Not only do they have an extensive list and are they experts in employment, they are an integral part of an annual Public Public Employer Labor Relations Advisory Service, which is recognized as a municipal labor relation conference in Pennsylvania.

Patrick Harvey and John McLaughlin will be the two firm principals working with the Township. Both have unique experience in representing municipalities in all aspects of labor employment since 1991. Mr. Harvey brings additional experience of previously working as Assistant District Attorney in Philadelphia. He has handled police matters from all angles including the criminal and labor employment sides. John McLaughlin also brings extensive Federal Court experience due to his previous work as the clerk to two Federal Court Judges. For more than 25 years, both Mr. Harvey and Mr. McLaughlin have represented the Pennsylvania Municipal League, the leader in representing the interests of all Pennsylvania municipalities and public employers in drafting pension legislation and Act 111 reform legislation. Their work with the Township will include guidance with both of our Collective Bargaining Agreements.





## TOWNSHIP OF ABINGTON

Administration

### Municipal Labor Attorney/Employment Counsel

#### Monthly Fees and Hourly Rates

	Campbell Durrant Beatty Palombo & Miller, P.C.	Clark Hill PLC	Maiello, Brungo & Maiello	Siana Bellwoar
Monthly retainer plus hourly fees	\$2,000.00	\$1,800.00	\$1,500.00	\$20,000.00
Hourly fees beyond the monthly retainer	\$295/hour	2019: \$300/hour 2020: \$315/hour 2021: \$330/hour	\$200 (Partners) \$150 (Associates) \$75 (Paralegals)	
Hourly fees for all work without retainer	\$295/hour (Shareholders & Associates) \$165.00 (Paralegals & Law Clerks)	2019: \$340 (Member); \$290 (Associate) 2020: \$350 (Member); \$300 (Associate) 2021: \$360 (Member); \$310 (Associate)	\$245 (Partners) \$195 (Associates) \$75 (Paralegals)	Attorney rates: \$245 (Gerber/Brown), \$220 (Flynn), \$205 (Conley) \$175 (Hennessey)
Any reduced fees offered	current rates are below the discounted rates	N/A	N/A	N/A
other fees or charges	None	None	\$50/hour travel time, plus associated travel costs	All out-of-pocket expenses (long distance phone calls, travel, facsimiles, computer research)

PROPOSAL OF  
RECOMMENDED  
FIRM



CAMPBELL DURRANT BEATTY  
PALOMBO & MILLER, P.C.

*Public Sector, Labor and Employment Law*

*The Campbell Durrant Difference*  
Legal Services Cost Proposal Prepared for  
Abington Township

Municipal Labor Attorney/Employment Counsel  
for Abington Township, 2018

November 15, 2018

**Patrick J. Harvey**  
*pharvey@cdblaw.com*

**John P. McLaughlin**  
*jmclaughlin@cdblaw.com*

Campbell Durrant Beatty Palombo & Miller, P.C.  
One Belmont Avenue, Suite 605  
Bala Cynwyd, PA 19004  
(610) 227-2591  
*Established 1998*

1. **Please provide rates for providing the services described above. Note that the Abington Township is requesting fees to be submitted with two options.**

**Option A: Monthly retainer plus hourly fees**

We propose a monthly retainer of \$2,000.00 covering daily labor and employment advice and a blended hourly rate of \$295 per hour for all legal services that involve anything beyond the monthly \$2,000 retainer of daily labor and employment advice including litigation, grievance arbitration, mediation, extensive research projects, contract negotiations and Act 111 preparations arbitration.

**Option B: Hourly fees for all work without retainer**

The firm proposes a blended hourly rate for Shareholders and Associates of \$295.00 per hour and \$165.00 for Paralegals and Law Clerks.

In the course of rendering legal services, it may be necessary to incur expenses for items such as filing and recording fees, arbitrator/mediator fees, deposition transcripts, computerized legal research, notary service, various mailing/delivery charges, file delivery costs, document reproduction, travel, lodging and meals. The actual expenses incurred will vary depending on the services that are provided. Expenses are billed without surcharge. Expense items incurred are itemized separately and listed on our billing statements. Third-party expenses in excess of \$100 may be forwarded directly to you for payment.

2. **A list of anticipated reimbursable expenses and the rate charged for each.**

See response to No. 1 and 2 above.

3. **Any reduced fees offered to other municipalities, government entities, economic development or nonprofit organizations, and civic organizations.**

The Township's current rates are below the discounted rates made available to the discounted blended rates of \$325 per hour offered to members of the Pennsylvania Employer Labor and Advisory Service (PELRAS).

4. **Any other fees or charges not outlined in the other sections of the cost proposal.**

None.

**1. Contact Information**

**a. The name of firm, owner, address, and telephone number.**

Campbell Durrant Beatty Palombo & Miller, P.C.  
One Belmont Avenue, Suite 605  
Bala Cynwyd, PA 19004  
Main: (610) 227-2591  
Facsimile: (610) 227-2599

The shareholders of the firm are Michael A. Palombo, Richard D. Miller, Gretchen K. Love, Patrick J. Harvey and John P. McLaughlin.

**b. The name and contact information for the firm's primary contact.**

Patrick J. Harvey  
Direct Dial: (610) 227-2595  
Cell: (610) 329-2414  
pharvey@cdblaw.com

**c. E-mail address for firm principals or individuals working with the Township.**

Patrick J. Harvey  
pharvey@cdblaw.com

John P. McLaughlin  
jmclaughlin@cdblaw.com

Bradley J. Betack  
bbetack@cdblaw.com

**d. The year the firm or individual practice was established.**

Campbell Durrant was established in 1998.

**e. The MBE/WBE status of the firm.**

Campbell Durrant is not a certified Minority Business Enterprise (MBE) or Women's Business Enterprise (WBE).

## 2. Personnel Qualifications

- a. **Identify the key attorney who will serve in the position of Municipal labor Attorney.**

Patrick J. Harvey

- b. **Provide a resume and summary of their experience for the individual who will serve in the position of Municipal Labor Attorney.**

A copy of Mr. Harvey's resume with a summary of his experience is attached at Tab 2A.

- c. **Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.**

Copies of resumes for John P. McLaughlin and Bradley J. Betack are attached at Tabs 2B-C.

- d. **Describe your experience assisting public townships, counties, municipalities or other governmental agencies.**

### *Experience Representing Municipal Employers*

With offices just outside Philadelphia, and in Pittsburgh, Campbell Durrant Beatty Palombo & Miller, P.C. ("Campbell Durrant") is the preeminent statewide public sector labor and employment law practice. The difference between Campbell Durrant and other firms representing public employers is our state-wide practice and reach, the depth of our experience, the breadth and scope of our municipal clients and practice, and our deep bench of attorneys who are recognized as authorities in public sector labor and employment law. The *Campbell Durrant Difference* is that we are:

- The only state-wide firm with 15 attorneys who specialize exclusively in management side public sector labor law, including representing employers in collective bargaining, interest and grievance arbitration under Act 111 and Act 195, Heart and Lung claims, pension disputes and litigation, charges of unfair labor practices before the Pennsylvania Labor Relations Board (PLRB), administrative claims before the EEOC and PHRC, litigating employment claims under the United States and Pennsylvania Constitutions and discrimination and civil rights laws and daily advice regarding day-to-day labor and employment matters.
- The only firm whose attorneys represent municipalities in hundreds of grievance and interest arbitrations (Act 111 and Act 195), routinely serve as Act 111 arbitrators appointed by the municipality, and have established excellent reputations and professional relationships with arbitrators across the Commonwealth.
- The only firm that picks hundreds of arbitrators each year for grievance and interest arbitrations proceedings.
- The only public sector labor and employment firm in Pennsylvania that has a team of numerous attorneys averaging more than 15 to 25 years of experience representing every type of municipal employer in the Commonwealth of Pennsylvania, including the Commonwealth, townships of all classes, boroughs and cities.



- Patrick Harvey and John McLaughlin have unique experience in representing municipalities in all aspects of labor employment since 1991. Mr. Harvey brings the additional experience of previously working as an Assistant District Attorney in Philadelphia so that he has handled police matters from all angles including the criminal and labor employment sides. John McLaughlin also brings extensive Federal Court experience due to his previous work as the clerk to two Federal Court Judges.
- The public sector labor and employment firm recognized across the Commonwealth as experts in collective bargaining and public sector labor law, as evidenced by the fact that our attorneys:
  - Are frequently asked to testify before the Pennsylvania Legislature on behalf of municipalities regarding municipal labor and employment issues.
  - For more than 25 years, have represented the Pennsylvania Municipal League, the leader in representing the interests of all Pennsylvania municipalities and public employers in drafting pension legislation and Act 111 reform legislation.
  - For more than 25 years, have organized, planned and conducted the Pennsylvania Employer Relations Advisor Service (“PELRAS”) Municipal Labor Training Conference, which is attended by over five hundred managers and elected officials and recognized as the seminal labor and employment training seminar for public officials in Pennsylvania.
  - For more than 25 years have been invited to speak at the annual conferences for Pennsylvania State Association of Townships (“PSATS”), the Boroughs Association, the County Commissioners, the Pennsylvania Association of Township Commissioners (“PSATC”), Municipal Cogs and various other municipal organizations to provide municipal labor and employment training.
- The only public sector labor and employment law firm to have consistently obtained the following results through collective bargaining for numerous Pennsylvania public employers in Pennsylvania:
  - Wage freeze in multiple years of a contract, followed by low increases in subsequent third years;
  - Signing bonuses not added to base in lieu of percentage wage increases;
  - Decreases in or freezing of longevity and salary increments;
  - Changes to health care benefits for current employees, including plan redesign and introduction of or increases to employee cost-sharing terms, all resulting in significant cost reductions for the employer;
  - Elimination or reduction of post-retirement health care benefits, including plan redesign for future retirees;
  - Elimination of costly and unauthorized pension benefits and pension cost controls, such as the institution of pension contributions, elimination of unlawful and unauthorized benefits, and limitation of future benefits enhancements;
  - Reduction of costly and unauthorized pension benefits;

- Disability pension reduction;
- Reduction in sick leave accrual;
- Reduction of payouts for accrued but unused sick leave and other leave;
- Language providing municipalities with flexibility in addressing Cadillac Tax issues in 2020 and beyond;
- Preservation and expansion of managerial prerogatives relating to increased efficiency and fiscal health and program overhauls designed to reduce absenteeism, overtime, and inefficiencies in such areas as health and safety, drug and alcohol testing, workers compensation, disability leaves, and alternate duty;
- Regionalizing police and fire services and forming the first regional fire department in Pennsylvania.
- Assisted municipalities with the implementation of the ACA and most important, assisting municipalities in preparing for and handling the 2020 “Cadillac Tax”.

**Unmatched Full Service Labor and Employment Law Experience**

Due to our state-wide practice, Campbell Durrant is able to provide responsive and prompt legal representation efficiently in any location in the Commonwealth and to answer questions often without expensive research bills due to the fact that we have often already handled your particular question or one very similar. Since all of the firm’s Shareholders worked most of their careers and once practiced at large national or regional firms, those same attorneys now can provide the benefits of a "large firm" in a much more flexible, responsive and lower overhead manner.

In the context of collective bargaining, our attorneys have played a significant role in leveling the playing field for municipalities in interest and grievance arbitration and other proceedings. Our attorneys are well-known and respected by unions and public employers alike throughout the Commonwealth. The firm's practice of taking an aggressive yet practical approach in collective bargaining and interest arbitrations is well known.

Our experience in this area is unmatched by any other Pennsylvania law firm, since this is what we do on a daily basis. While we have included a listing of our clients across the Commonwealth, throughout our 25 years of individual experience, we have found that, for the most part, the type and seriousness of labor and employment issues does not equate to the size or even the type of the municipality. Therefore, we face and approach all our cases and clients with the urgency, attentiveness and seriousness regardless of the type or size of municipality. However, for your convenience, we have included a listing of our clients and we have included a listing of our accomplishments. As you can see, the municipalities that we represent range from very small municipalities to large cities. Many, if not most, of the municipalities have populations that are in the same range as the Township. While we cannot link specific achievements to specific clients in this public document, we have attached our voluminous list of clients, and I can say that we have assisted with all of the issues discussed in Section 3 of this proposal with almost all of the municipal clients listed.

- e. **Describe any existing or potential legal or other policy conflicts of interest or appearance of conflict of interest, you may have, or which reasonably might arise, because of your proposed representation of the Township.**

Campbell Durrant currently represents the Township and is not aware of any existing or potential conflicts that would prevent the firm from continuing to represent Abington Township.

- f. **State whether you or any principals in your firm have been (in the past five years) or are currently the subject of any Federal or State investigation or any investigation by any law enforcement agency, and indicate the nature of this investigation.**

None of the shareholders of Campbell Durrant are or have been the subject of any investigation in the past five (5) years.

- g. **Indicate any pending litigation in which you are involved which may directly or indirectly affect your ability to represent the Township in any manner.**

None.

- h. **Please indicate the amount of professional malpractice insurance coverage which you carry, the amount of any self-retention and the name of the carrier.**

Campbell Durrant has professional liability insurance through CNA in the amount of \$2,000,000 per claim and \$4,000,000 in the aggregate. The firm's deductible is \$10,000 in the aggregate.

### 3. Specialized Legal Services Competence

**a. Provide examples of respondent's experience in the past ten years specifically related to the scope of services included in this RFQ.**

We have extensively represented municipalities in negotiations and arbitration with all unions and employee associations that represent public employees. These unions range from small local unaffiliated employee groups to large organized unions, including AFSCME, Teamsters locals, the Fraternal Order of Police, and Police Benevolent Associations. We are well known for vigorously representing municipal employers' interests while still maintaining good relationships with arbitrators and municipal unions so that our municipal clients can effectively continue their operations and mission with good employee and union relations.

During the past 25 years, we have regularly represented First Class Townships and we are well acquainted with the First Class Township Code and the different issues that First Class Townships face and the organization of such Townships as opposed to other types of municipalities. We have negotiated hundreds of collective bargaining agreements, either as direct negotiators or as labor counsel advising and directing a team of municipal negotiators. We provide training for municipal managers and elected officials on how to negotiate these agreements.

We have litigated hundreds of cases for municipalities. We are counsel to the Penn PRIME Municipal Insurance Trust where we defend multiple municipalities in labor and employment litigation matters. We also handle and have handled multiple matters in federal and state courts, including injunctions, pension issues and Act 111 appeals. Our work has also involved counseling and representation of public employers before the EEOC, PHRA and the courts in cases involving claims under civil rights laws and federal and state discrimination laws, including the ADA, FMLA, ADEA, Title VII, and the PHRA. We also routinely advise and represent public employers in cases involving claims of violations of the First Amendment and other constitutional claims.

We work with municipal managers and staff virtually every day, preparing for bargaining with non-uniformed and uniformed personnel and interest arbitration for uniformed personnel (and limited personnel under Act 195, mainly for the Commonwealth and counties), preparing for and litigating grievance arbitrations, formulating management proposals and issues in dispute for uniformed and non-uniformed bargaining units and making sure that the Townships are prepared to meet all time lines under Act 111. In fact, during our 25 years of experience, we have engaged in the foregoing tasks hundreds of times. We train municipalities on essential bargaining proposals at multiple conferences aside from advising municipalities, including the Commonwealth of Pennsylvania, Cities, Boroughs, Township and the only Town in Pennsylvania on drafting optimal proposals.

Our firm is completely familiar with and comfortable dealing with the full range of labor laws affecting municipalities in Pennsylvania. We are not only fully knowledgeable of these laws because we deal with these laws on a daily basis and have done so since the inception of the firm, but we are called on frequently by the Pennsylvania Municipal League to testify as experts on these laws at legislative hearings and to draft municipal-friendly legislative reforms related to these laws. We regularly draft bargaining proposals or work with Townships in drafting and revising such proposals, and we regularly handle issues under all Pennsylvania labor laws.

Campbell Durrant lawyers provide a wide range of labor and employment services to municipalities. We have highlighted those of most interest to Abington Township below:

- Collective Bargaining with uniformed and non-uniformed bargaining units;
- Act 111 Interest Arbitrations;
- Grievance arbitrations with uniformed and non-uniformed bargaining units regarding all types of issues ranging from discipline and discharge to contract interpretation;
- Daily consultation with municipal managers and management staff regarding the interpretation of collective bargaining agreements covering uniformed and non-uniformed employees;
- Daily consultation regarding the implementation and application of Township policies and practices relating to uniformed and non-uniformed employees relating to federal employment laws (ADA, FMLA, ADEA, Title VII, FLSA, etc.) in order to avoid costly disputes and the violation of law;
- Employment litigation regarding claims of civil rights and constitutional violations, discrimination under Title VII and other federal, state and local anti-discrimination laws and whistleblower laws;
- Defending Townships before the Pennsylvania Labor Relations Board (“PLRB”) involving representation and unit clarification petitions and various charges of alleged unfair labor practices, including alleged interference with protected concerted activity, bad faith bargaining, retaliation, and unilateral implementation of various terms and conditions of employment.
- Defending Townships against claims asserted by unions and individual employees with other state and federal administrative agencies, including the:
  - Pennsylvania Human Relations Commission (“PHRC”);
  - Equal Employment Opportunity Commission (“EEOC”);
  - Pennsylvania Office of Open Records; and
  - Pennsylvania and United States Department of Labor and other state and local agencies dealing with employment and labor issues;
- Pension litigation under Act 600, Act 205 and other pension laws;
- Negotiating, coordinating and drafting global Settlement of issues arising under the Workers Compensation Law and the Heart and Lung Act and the Americans with Disabilities Act (“ADA”);
- Layoff and recall issues;
- The right of a municipality to change or alter health care plans or carriers to less expensive plans;
- Compensation and overtime issues;
- Pension calculation disputes;
- Pension benefits and calculation issues and benefit change issues;
- Claims of entitlement to pension and survivor benefits;
- Uniformed employees’ entitlement to Heart and Lung benefit;
- Disability Pension entitlement disputes;
- The entitlement to post-retirement healthcare;

- Discharging an employee due to inability to perform the essential functions of his or her job while not violating EEOC regulations, the ADA and the FMLA;
- Implementation of employee layoffs and other managerial decisions;
- Contract interpretation issues involving uniformed and non-uniformed employees, including cases involving changes to health care and compensation issues;
- Contractual leave payout claims; and
- Defending Heart and Lung claims, implementing Heart and Lung procedures, and enforcing Heart and Lung subrogation rights of municipalities.

#### 4. Capability

- a. **Provide information about the attorney and firm's capability to perform on short notice and in a timely manner. If the appointed Municipal Labor Attorney is not available are there other means of responding to requests?**

It is imperative that a municipality receive top quality legal services in a timely, prompt, and cost-effective manner to enable the municipality to serve its taxpayers and operate its business effectively. As a result, Campbell Durrant's Public Sector Practice Group proposes to continue its team approach. The current team approach consists of Patrick Harvey as lead partner with partner John McLaughlin as backup partners and Associate Brad Betack as the Township's designated associate. The Township is free to directly contact any lawyer in the team at any time. This team approach is designed to provide constant coverage, flexibility and efficiency and to allow the Township to have direct access to multiple attorneys at all times. Mr. Harvey, Mr. McLaughlin and Mr. Betack stay informed on the issues and matters effecting the Township and are always on call along with Mr. Betack to answer the Townships needs.

We emphasize that although we provide access to multiple attorneys on the team, we do not double team matters for our clients. We provide a team in order to provide the most prompt and efficient service. We staff matters appropriately depending on the issue involved, which typically means one Shareholder dividing work with one associate. All clients are provided office and cell phone numbers, email addresses, and any other means to communicate with our attorneys.

- b. **Describe the Attorney's and firm's approach to communicating with the Township in regard to progress reports, status reports, recommendations, status of options, etc.**

Campbell Durrant works with each municipality to determine the best way to provide progress reports, status reports, recommendations, status of options, etc., from verbal updates to formal written reports and in-person meetings.



**5. Project Management**

- a. Provide a plan for service delivery, and an explanation of how tasks and projects are managed within the firm to ensure timely response and completion.**

It is imperative that a municipality receive top quality legal services in a timely, prompt, and cost-effective manner to enable the municipality to serve its taxpayers and operate its business effectively. Due to our firm's municipal experience and long relationship in representing the Township we are often able to complete assigned tasks and projects without excessive research or staffing. Most matters are handled directly by Patrick Harvey while some matters due to scheduling conflicts or particular expertise of the individual attorney are handled by John McLaughlin. Brad Betack acts as the Township's designated associate. This team approach has kept our services to the Township timely, economical and effective.

**6. Client List**

- a. Provide a list of current municipal clients, including at least three references from these organizations, including names, contact persons and phone numbers.**

A list of current governmental entities represented by Campbell Durrant is included at Tab 6A.

**References:**

Lower Merion Township  
Ernie McNeely, Township Manager  
610-645-6103  
[emcneely@lowermerion.org](mailto:emcneely@lowermerion.org)

John Nagel, Manager  
East Whiteland Township  
610-648-0600  
[jnagel@eastwhiteland.org](mailto:jnagel@eastwhiteland.org)

Rich Schuettler, Executive Director  
PA Municipal League  
717-236-9469  
[rschuettler@pml.org](mailto:rschuettler@pml.org)

- b. List any clients you currently represent that could cause a conflict of interest with your responsibilities as Labor Attorney for Abington Township and describe how you would be willing to resolve these or any future conflicts of interest.**

Campbell Durrant is not aware of any existing or potential conflicts of interest that would prevent the firm from representing Abington Township. In the event of any potential conflict, Campbell Durrant would not perform work on any project until a waiver was received from the Township. Unlike most firms due to our almost exclusive representation of municipalities conflicts rarely arise.

**GOVERNMENTAL ENTITIES REPRESENTED BY CAMPBELL DURRANT**

Abington Township	City of Allentown
Allegheny Township (Westmoreland County)	City of Altoona
Altoona Water Authority	City of Arnold
Annville Township	City of Bradford
Apollo Borough	City of Butler
Baldwin Borough	City of Chester
Bedford Borough	City of Coatesville
Bedminster Township	City of Corry
Bellefonte Borough	City of Easton
Bellevue Borough	City of Franklin
Bellwood Borough	City of Greensburg
Berwick Borough	City of Hermitage
Bethlehem Township	City of Jeannette
Borough of Bangor	City of Lancaster
Borough of Canton	City of Lock Haven
Borough of Chambersburg	City of Meadville
Borough of Colwyn	City of New Castle
Borough of Conshohocken	City of New Kensington
Borough of Gettysburg	City of Philadelphia
Borough of Lansdowne	City of Pittsburgh
Borough of New Wilmington	City of Pottsville
Borough of Parkesburg	City of Reading
Borough of Phoenixville	City of Sunbury
Borough of Oakmont Civil Service Commission	City of Warren
Borough of Seven Fields	City of Washington
Borough of Sewickley Heights	City of Wilkes-Barre
Borough of Sugarcreek	City of Williamsport
Borough of Troy	College Township
Borough of West Chester	Collier Township
Bradford Township	Conemaugh Township
Braddock Hills Borough	Conshohocken Borough
Bristol Township	County Commissioners Association of Pennsylvania
Brockway Borough	County of Adams
Brookville Borough	County of Allegheny
Buckingham Township	County of Allegheny Community College
Butler Township	County of Allegheny Port Authority
Caln Township	County of Allegheny Retirement Board
Canonsburg Borough	County of Beaver Transit Authority
Canton Borough	County of Blair
Castle Shannon Borough	County of Clearfield
Catasauqua Borough	County of Crawford
Chartiers Township	County of Cumberland
Cheltenham Township	County of Indiana
Chester Township	County of Jefferson
Chippewa Township	County of Lawrence



County of Schuylkill  
County of Washington  
County of York Planning Commission  
Crafton Borough  
Cranberry Township (Butler County)  
Derry Township Municipal Authority  
Dover Township  
East Goshen Township  
East Lampeter Township  
East Pikeland Township  
East Stroudsburg Borough  
East Whiteland Township  
Easttown Township  
Ebensburg Borough  
Elizabeth Township  
Ellwood City Borough  
Emmaus Borough  
Fallowfield Township  
Ferguson Township  
Forest Hills Borough  
Forks Township  
Forward Township  
Fox Chapel Borough  
Gettysburg Borough  
Gilpin Township  
Grove City Borough  
Harmar Township  
Harrison Township  
Harrison Township Water Authority  
Hopewell Township  
Housing Authority of the City of Franklin  
Ingram Borough Civil Service Commission  
Jackson Township  
Jefferson Hills Borough  
Kingston Township  
Lansdowne Borough  
Lewisburg Borough  
Lewistown Borough  
Ligonier Township  
Limerick Township  
Logan Township  
London Grove Township  
Lower Merion Township  
Lower Paxton Township  
Lower Windsor Township  
Loyalsock Township  
Manchester Township  
Manheim Township  
Manor Township  
Media Borough  
Mercer Borough  
Millcreek Township  
Moon Township  
Morrisville Borough  
Mount Union Borough  
Mt. Oliver Borough  
Municipal Sanitary Authority of the City of  
    New Kensington  
Municipality of Kingston  
Municipality of Monroeville  
Municipality of Monroeville Civil Service  
    Commission  
Municipality of Mt. Lebanon  
Municipality of Murrysville  
Municipality of Penn Hills  
Nazareth Borough  
Neshannock Township  
Nether Providence Township  
New Britain Township  
New Wilmington Borough  
North Apollo Borough  
North Coventry Township  
North Huntingdon Township  
North Huntingdon Township Civil Service  
    Commission  
North Middletown Township  
North Woodbury Township  
Northern Regional Police Department  
Northampton Township  
Palmer Township  
Parks Township  
Patton Borough  
Pen Argyl Borough  
Peters Township  
Pine Township  
Pleasant Hills Borough  
Plum Borough  
Port Vue Borough  
Punxsutawney Borough  
Reserve Township  
Reynoldsville Borough  
Richland Township (Bucks County)  
Ridgway Borough  
Robinson Township (Allegheny County)  
Robinson Township (Washington County)



Robinson Township Civil Service  
Commission (Allegheny County)  
Ross Township  
Rostraver Township  
Sandy Township  
Schuylkill Township  
Shaler Township  
Sharon Hill Borough  
Shenango Township  
Shippensburg Borough  
Solebury Township  
South Fayette Township  
South Pymatuning Township  
South Strabane Township  
Spring Garden Township  
Spring Township (Berks County)  
Springdale Township  
Springettsbury Township  
Springfield Township (Montgomery County)  
State College Borough  
Stowe Township Civil Service Commission  
Swarthmore Borough  
Tinicum Township  
Town of Bloomsburg  
Tredyffrin Township  
Troy Borough  
Tunkhannock Township  
Tyrone Borough  
Upper Burrell Township  
Abington Township  
Upper Moreland Township  
Upper Saucon Township  
Upper Southampton Township  
Upper Uwchlan Township  
Vandergrift Borough  
Warwick Township  
Washington Township  
West Conshohocken Borough  
West Deer Township  
West Hempfield Township  
West Homestead Borough  
West Manchester Township  
West Manheim Township  
West Norriton Township  
West Pikeland Township  
West Pottsgrove Township  
West Whiteland Township  
Westtown-East Goshen Township

Whitehall Township  
Wilkes-Barre Township  
Wilkesburg Borough  
Willistown Township  
Zelienople Borough

**Patrick J. Harvey, Esquire**



Campbell Durrant Beatty  
Palombo & Miller, P.C.  
One Belmont Avenue, Suite 605  
Bala Cynwyd, PA 19004  
Direct Dial: 610-227-2595  
E-mail: [pharvey@cdblaw.com](mailto:pharvey@cdblaw.com)

**Areas of Practice:**

Patrick J. Harvey is a shareholder practicing in the areas of labor and employment law, municipal law/school law, public sector pension and benefits law, disability and discrimination law, administrative law and appellate law

**Education and Professional Background:**

Villanova University, B.A. Communications 1982, Villanova University School of Law, J.D. 1985. Admitted to practice in Pennsylvania in 1985. Admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the U.S. Supreme Court.

**Member:**

Pennsylvania and Philadelphia County Bar Associations. Philadelphia County Labor and Employment Law Section. Philadelphia Labor and Employment Relations Association.

Mr. Harvey has been providing daily labor and employment advice and representing employers in Federal and State trials, union negotiations, grievance and interest arbitrations, unfair labor practices, civil service proceedings, and local agency hearings for over twenty-five years. Pat began his career as a prosecutor in the Philadelphia District Attorney's Office and brings a depth of experience in handling workplace misconduct investigations and defending municipalities in discipline grievances. He has defended employers in multiple jury and bench trials and handled many grievance and arbitrations. Pat specializes in handling sensitive investigations of elected officials and police misconduct and is frequently called on to defend municipalities in challenges to police discipline and to globally resolve work-related injury claims.

Pat also brings a wealth of experience when acting as the municipal arbitrator in Police and Fire Act 111 and Act 195 proceedings. He has been chosen as the employer arbitrator in interest arbitration and as chief negotiator in Act 195 contract negotiations countless times. Pat also supervised a workers' compensation defense department for over ten years and uses his disability experience in globally settling workers' compensation injuries, drafting maximum leave policies and handling ADA, FMLA and heart and lung claims. Pat serves as counsel to the Pennsylvania Municipal League ("PML") and the PennPRIME Workers' Compensation and Liability Trusts. He plans and speaks at the annual Pennsylvania Employer Labor Relations Advisory Service ("PELRAS") conference. He also frequently speaks at the Pennsylvania Association of Township Commissioners Conference ("PSATS"), Newly Elected Officials Training, American Arbitration Association Arbitrator Training, the Boroughs Association, the Pennsylvania Association of Township Commissioners ("PSATC"), the Society for Human Resources Management ("SHRM"), the County Commissioners Association and various municipal Councils of Governments ("COGS"). Pat has authored multiple labor and employment articles in various publications including the Pennsylvania Municipal Reporter, the Township News, the Borough News and the University of Pennsylvania Journal of Labor and



Employment Law.

Pat has drafted Act 111 and Heart and Lung reform legislation and has frequently testified before the Pennsylvania legislature regarding those issues. Pat is a graduate of Villanova University and Villanova University Law School.

**John P. McLaughlin, Esquire**



Campbell Durrant Beatty  
Palombo & Miller, P.C.  
One Belmont Avenue, Suite 605  
Bala Cynwyd, PA 19004  
Direct Dial: 610-227-2596  
E-Mail: [jmclaughlin@cdblaw.com](mailto:jmclaughlin@cdblaw.com)

**Areas of Practice:**

John P. McLaughlin is a shareholder practicing in the areas of labor and employment law, municipal law, public sector pension and benefits law, administrative law and appellate law.

**Education and Professional Background:**

Villanova University School of Law in 1987. Admitted to practice in Pennsylvania in 1987. Admitted to practice before the United States District Court for the Western District of Pennsylvania, United States District Court for the Eastern District of Pennsylvania., United States Court of Appeals for the Third Circuit and the United States Supreme Court.

**Member:**

Pennsylvania Bar Association

Mr. McLaughlin has been representing employers in the private and public sector since 1989. In addition to providing daily labor and employment advice to employers, John represents employers in negotiations, grievance and interest arbitration, charges of unfair labor practices and union elections before the National and Pennsylvania Labor Relations Boards. He also defends employers in federal and state court and before administrative agencies involving claims of discrimination, harassment, and retaliation.

Mr. McLaughlin routinely serves as the employer-appointed arbitrator in interest arbitrations under Act 111 and Act 195 and the arbitration of discipline and discharge cases involving uniformed and non-uniformed employees. A specific focus of John's practice is conducting investigations of alleged workplace discrimination, harassment, wrong doing by employees on or off duty, misbehavior by elected or appointed officials and misconduct by police officers or other uniformed employees. John also regularly advises employers in pension and labor matters. He has represented public employers in litigation involving significant pension and labor matters and has drafted legislation and testified before the Pennsylvania legislature regarding those issues. On a day-to-day basis, Mr. McLaughlin counsels employers regarding labor matters under Pennsylvania and federal law, Heart and Lung Act litigation and disability and pension issues involving police, fire and non-uniformed employees.

John is a frequent speaker for a variety of municipal organization, including the Pennsylvania Municipal League ("PML"), Pennsylvania State Association of Township Supervisors ("PSATS"), the Government Finance Officers Association ("GFOA"), the Pennsylvania State Association of Township Commissioner ("PSATC"), and the Association of Pennsylvania Municipal Managers ("APMM") and a variety of other organizations. John has published articles in various publications,

including the Pennsylvania Township News, University of Pennsylvania Journal of Labor and Employment, The Municipal Reporter, Borough News, Public Management, the Municipal Lawyer, the Ohio Cities and Villages Reporter, and the Municipal Law Newsletter. He also has been interviewed, quoted or consulted on various topics by National Public Radio, the Bond Buyer, Newsday, The Philadelphia Inquirer, The Times-Tribune (Northeastern Pennsylvania), the Borough News, and the Township News.

After graduating from the Villanova University School of Law in 1987 (magna cum laude and Order of the Coif), John served as a law clerk for two federal judges in the United States District Court for the Eastern District of Pennsylvania, the Honorable Joseph L. McGlynn, Jr. and the Honorable Jay C. Waldman. He is admitted to practice in the United States Supreme Court, Pennsylvania and the United States Court of Appeals for the Third Circuit, the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the Middle District of Pennsylvania, and the Commonwealth of Pennsylvania.

**Bradley J. Betack, Esquire**



Campbell Durrant Beatty  
Palombo & Miller, P.C.  
One Belmont Avenue, Suite 605  
Bala Cynwyd, PA 19004  
Direct Dial: 610-227-2597  
E-Mail: [bbetack@cdblaw.com](mailto:bbetack@cdblaw.com)

**Areas of Practice**

Bradley J. Betack is an associate practicing in the areas of labor and employment law, municipal law/school law, public sector pension and benefits law, administrative law and appellate law.

**Education and Professional Background**

Villanova University School of Law (J.D. 2011)  
Southern Adventist University (B.S. 2008)  
He is admitted to practice in the Supreme Court of Pennsylvania

**Member:**

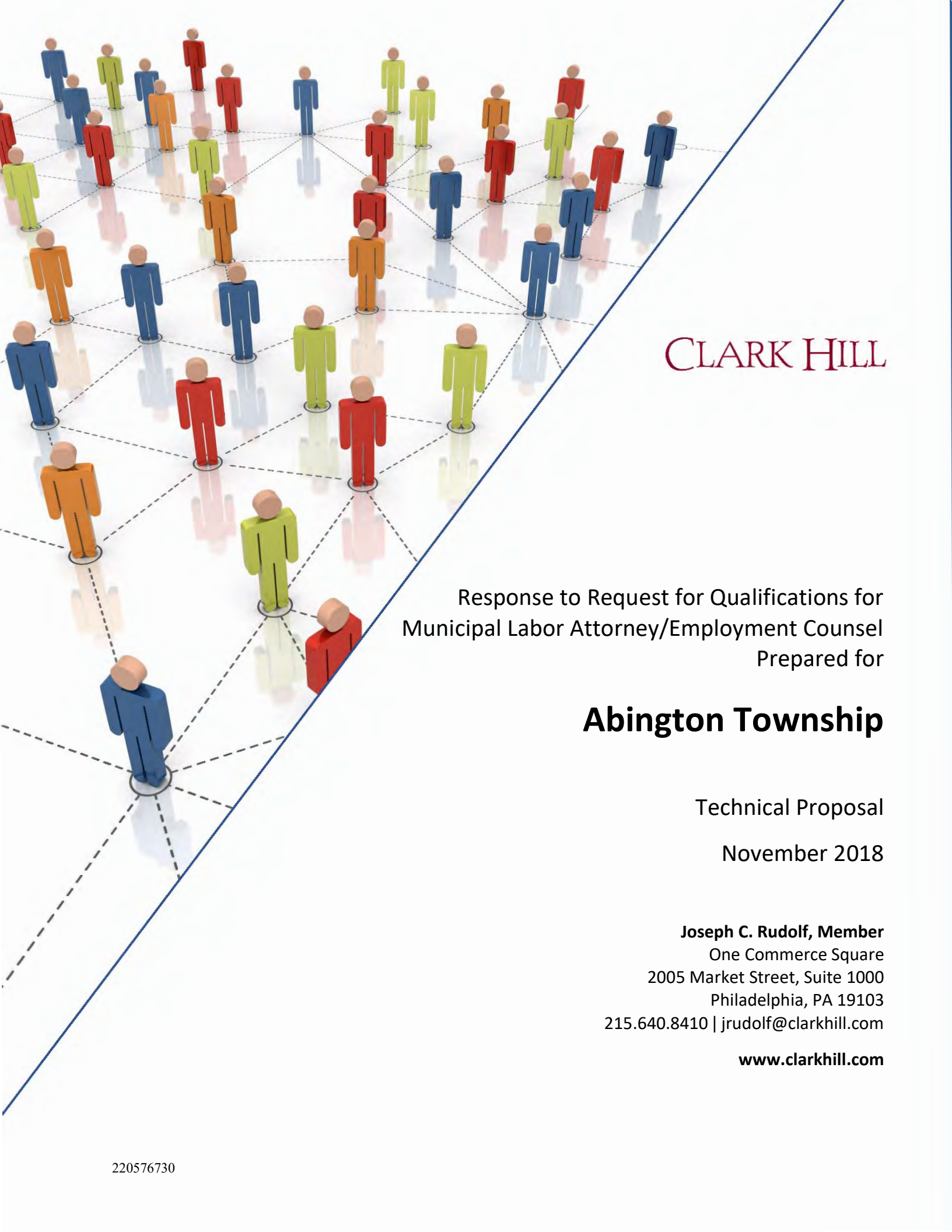
American Bar Association Pennsylvania  
Bar Association

Brad Betack focuses his practice on representing public employers in all aspects of labor and employment law. Brad advises employers on traditional labor issues, including union organizing campaigns, collective bargaining, and unfair labor practices. He has experience representing clients in interest arbitrations and grievance arbitrations arising under Act 111 and Act 195. He has represented employers before the National Labor Relations Board, Pennsylvania Labor Relations Board, New Jersey Public Employment Relations Commission, and Delaware Public Employment Relations Board.

Brad regularly counsels public employers on employment law matters as well, including issues arising under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act.

Brad is a frequent presenter at the annual Pennsylvania Employer Labor Relations Advisory Service (“PELRAS”) conference and regularly writes for the PELRAS newsletter.

PROPOSAL OF  
FIRMS NOT  
SELECTED FOR  
RECOMMENDATION



CLARK HILL

Response to Request for Qualifications for  
Municipal Labor Attorney/Employment Counsel  
Prepared for

## Abington Township

Technical Proposal

November 2018

**Joseph C. Rudolf, Member**  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
215.640.8410 | [jrudolf@clarkhill.com](mailto:jrudolf@clarkhill.com)

[www.clarkhill.com](http://www.clarkhill.com)



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Appendix A: Certificate of Insurance

## CONTACT INFORMATION

### Firm Information

Clark Hill PLC is a professional limited liability company. Originally founded in 1890, today we have more than 600 attorneys and professionals in 25 offices in 11 states, the District of Columbia, Ireland, and Mexico. Our service to Abington Township will be managed out of our Philadelphia office.

#### Philadelphia Office

One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
215.640.8500

We are not an MBW/WBE firm.

### Primary Firm Contact

#### Joseph C. Rudolf

Member, Philadelphia  
P: 215.640.8410  
C: 215.696.7817  
F: 215.640.8501  
E: jrudolf@clarkhill.com

### Additional Team Contacts

#### Ethan M. Dennis

Associate, Philadelphia  
P: 215.640.8427  
F: 215.640.8501  
E: edennis@clarkhill.com

#### Stacey C. Schor

Associate, Philadelphia  
P: 215.640.8534  
F: 215.640.8501  
E: sschor@clarkhill.com

## PERSONNEL QUALIFICATIONS

Our attorneys have a history of providing sophisticated labor and employment counsel to Abington Township for a number of years and are uniquely positioned to further expand this successful relationship. Through our prior representation of the Township, we have gained a deep understanding of the legal issues and challenges faced by the Township and its employees. As such, our attorneys are intimately familiar with the concerns, culture, and sensitivities that are unique to Abington. Furthermore, our established public sector Labor and Employment team provides a broad range of legal services to counties, cities, townships, and boroughs across the state of Pennsylvania and the United States. Our experienced attorneys and other professionals consistently deliver the results and solutions that our clients have come to trust.

### Core Team

The distinguished attorneys that currently make up our core team for the Township will work directly and attentively with the Township to ensure productive and successful results. As in our prior representation of the Township, Joseph C. Rudolf will serve as the lead Municipal Labor Attorney. An experienced senior partner, Joe will have direct, hands-on involvement in all key aspects of the engagement and will supervise all work handled by the Philadelphia-based core team, including Ethan M. Dennis and Stacey C. Schor.

Our lean team consists of three attorneys who devote a significant portion of their practice to public sector labor and employment law, along with a deep bench of attorneys across the Practice Group. These attorneys represent a range of Pennsylvania public employers on critical issues such as collective bargaining, interest and grievance arbitrations under both Act 111 and Act 195, the Pennsylvania Employee Relations Act (PERA), the Pennsylvania Labor Relations Act (PLRA), contract interpretation, unfair labor practice charges, bargaining unit certification proceedings, pension matters, civil service issues, veterans' preference, implementation of collective bargaining agreements, and every other labor and employment issue that the Township may face.



**Joseph C. Rudolf | Member | 215.640.8410 | [jrudolf@clarkhill.com](mailto:jrudolf@clarkhill.com)**

Joe practices exclusively in the field of labor and employment law. Since 1985, he has devoted a significant portion of his time to the public sector/management side and has represented more than 400 Pennsylvania public employers. Joe regularly conducts employment investigations of alleged misconduct by public employees.

Joe has lectured extensively on all facets of public sector labor and employment law on behalf of numerous organizations, including the Pennsylvania Department of Community and Economic Development, the International City/County Management Association, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Association of Pennsylvania Municipal Managers, the Pennsylvania League of Cities and Municipalities, the Southeastern Pennsylvania Municipal Managers

Association, the Pennsylvania Government Finance Officers Association, and the Central Pennsylvania IRRRA. In addition to developing and administering the PSAB's TEAM labor program for more than 10 years, he authored all four editions of the Model Civil Service Rules Handbook, which is published by the Pennsylvania Department of Community and Economic Development.

Education: B.A., Temple University, Philadelphia, Pennsylvania, 1981; J.D., Rutgers University School of Law, Camden, New Jersey, Senior Editor of *Rutgers Law Journal*; Class President; Member of the Jessup International Moot Court Team, 1985

State Bar Licenses: New Jersey; Pennsylvania



**Ethan M. Dennis | Associate | 215.640.8427 | edennis@clarkhill.com**

Ethan represents a variety of public and private employers in labor matters, including collective bargaining, labor arbitrations, and unfair labor practice charges. He also defends employers in litigation brought by employees claiming discrimination, retaliation, breach of contract, wrongful termination, and denial of wages and benefits.

Ethan counsels public and private employers on day-to-day management of union and non-union employees, drafts workplace policies, and conducts trainings for management and employees. Ethan also has experience in representing national and regional businesses in complex commercial litigation.

Education: B.A., Rutgers University, New Brunswick, New Jersey, 2005; J.D., *cum laude*, American University, Washington College of Law, Washington, DC, 2010

State Bar Licenses: New Jersey; Pennsylvania



**Stacey C. Schor | Associate | 215.640.8534 | sschor@clarkhill.com**

Stacey represents employers in all aspects of labor and employment law, as well as educational institutions with respect to Title IX compliance.

Stacey has unique experience counseling public sector clients on traditional labor-management relations, including negotiating and interpreting collective bargaining agreements, handling grievance and interest arbitrations, and defending charges under the PLRA, Act 111, and Act 195. Stacey also defends employers against claims involving employment discrimination, sexual harassment, breach of restrictive covenants, whistleblowing retaliation, and charges brought under the Pennsylvania Human Relations Act, Title VII, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).

Education: B.A., Washington University in St. Louis, Saint Louis, Missouri, 2005, Chemistry; J.D., Dean's List, Beasley School of Law, Temple University, Philadelphia, Pennsylvania, 2009, Staff Member, *Temple Law Review*

State Bar Licenses: New Jersey; Pennsylvania

## Breadth and Depth of Experience

Our Labor and Employment practice group includes more than 65 lawyers who represent public and private employers, senior executives, and managers in all aspects of labor and employment law. We have vast experience representing public employers in labor negotiations, labor board matters, grievance and interest arbitrations, all aspects of civil service employment, promotion, and discipline, as well as on state and federal employment discrimination statutes, the Fair Labor Standards Act (FLSA), the ADA, the ADEA, the FMLA, and related Pennsylvania laws.

Our attorneys, particularly those on the core team, also have extensive experience representing public employers throughout Pennsylvania. As noted above, during the course of his career, Joe has represented more than 400 municipalities, multiple counties, and significant other public entities in all aspects of public sector labor law. Our attorneys offer not only the experience and knowledge gained over decades of public sector law practice, but also the significant resources of the firm's full-service capabilities. Those services include a national presence, cutting-edge practice technology, and an array of other resources.

## Conflicts of Interest

We currently do not have any conflicts that would affect our representation of the Township.

We employ a dedicated staff in our Conflicts Department to ensure our advocacy of clients is free from conflicts of interest. Our standard operating procedure requires all firm attorneys to clear conflicts of interest on all parties involved in a matter before proceeding. When potential conflicts are identified, the attorneys involved in matters on both sides are contacted so that they can determine if a true conflict of interest exists and, if so, whether consents may be requested and obtained as necessary to resolve the conflict.

## Investigation Against the Firm

We are unaware of any criminal or civil investigations against the firm or any of our principals; however, we can definitely state that no member of our core team has been the subject of any federal or state investigation or any investigation by an law enforcement agency.

## Litigation Against the Firm

From time to time, the firm has been subject to claims of professional negligence. All such claims have been dismissed or covered by insurance. We do not believe any pending litigation would directly or indirectly affect our ability to represent the Township. Furthermore, no pending litigation against the firm involves any member of our core team.

## Professional Malpractice Insurance Coverage

Our certificate of insurance is included in Appendix A.

## SPECIALIZED LEGAL SERVICES COMPETENCE

### Labor and Employment Qualifications

Our mission is to provide clients with practical, cost-effective solutions that maximize the employer-employee relationship and minimize the financial, operational, and regulatory risks associated with labor and employment disputes. We have decades of experience working at the forefront of emerging legal issues, and convey that knowledge to clients through clear, timely, and open communications. Proactive and responsive in equal measure, we help employers identify and avoid potential conflicts whenever possible and reasonable. However, when arbitration or litigation provides the better path to resolution, we are forceful advocates and effective managers of legal resources.

Our attorneys have extensive experience representing public employers on the full complement of labor and employment issues. We have counseled public sector clients, including counties, municipalities, state-supported universities, school districts, transit authorities, water and sewer authorities, regional police departments, and individual officials of these entities who have from time to time been sued in their official and/or individual capacities.

Our proposed team counsels public employers on critical issues such as:

- Collective bargaining and contract negotiations
- Binding interest and grievance arbitration under Act 111 and Act 195
- Administrative disciplinary hearings under Civil Service
- Unfair labor practice charges and bargaining unit certification proceedings before the Pennsylvania Labor Relations Board
- Pension matters
- Hiring and promotion issues
- Veterans' preference
- Virtually every labor and employment issue faced by a Pennsylvania public employer

The experience and depth of our team manifests itself in several ways that benefits our clients. First, with respect to the potential pool of labor arbitrators, our longevity has resulted in relationships with most arbitrators during their previous careers as advocates. Additionally, we have been asked to write letters of reference over the past 15 years for most new arbitrators seeking American Arbitration Association (AAA) approval to handle AAA cases. With more than 150 interest arbitrations under both Act 111 and Act 195, we have made and heard possibly every argument that could be asserted on every potential labor issue. Because of our experience knowing what arguments to make, on which issues and for which arbitrator, we do not consider resolving contract negotiations through interest arbitration a lost cause. However, infused throughout our counsel is a full appreciation that labor relations in the public sector constitutes an ongoing relationship. Neither the public employer nor the union is going anywhere, and both parties need to work with one another over a long period of time.



### **Collective Bargaining**

We regularly represent clients during collective bargaining negotiations. We work closely with municipal managers and department directors to identify and design proposals that meet their business objectives and assist in analyzing union proposals. In our role as chief negotiator, we have avoided interest arbitration and strikes by successfully negotiating contracts that both met our clients' objectives and provided harmony in the workplace. When it becomes absolutely necessary to proceed to interest arbitration, we serve as partial arbitrators and offer creative solutions to safeguard our clients' interests.

We also advise clients on the administration of collective bargaining agreements and the drafting of contract language to avoid unnecessary grievances. In the event a grievance is filed, we have extensive experience in contract interpretation and discipline arbitrations. Our team has appeared in hundreds of grievance arbitrations on behalf of management.

### **Employment Counseling and Training**

Our attorneys possess the skills and knowledge necessary to provide accurate and efficient counseling to our clients. We pride ourselves on being constantly available to assist municipal management with thorny employment issues. We advise municipal managers and senior staff of police departments on all employment-related matters that may arise in the workplace, including day-to-day employee discipline and long-term structuring of employment policies. We have assisted Chiefs of Police with reorganizing police departments and implementing new operational policies. Our goal is to not only provide our clients with counseling that can effectively resolve the issue at hand, but to provide our clients with knowledge so that they become more effective at spotting issues and properly addressing them before they develop into disputes. Our overall goal when counseling clients is to help them avoid arbitration and litigation by providing workable solutions that foster a productive and harmonious work environment. Among the issues we regularly address are:

- State and federal discrimination, harassment, and retaliation law compliance
- Disability law compliance and requests for accommodations
- Compliance with state and federal whistleblower acts
- FMLA compliance
- Workplace privacy, electronic monitoring, and drug and alcohol testing
- Mandatory arbitration in the workplace
- Employee evaluation, discipline, and discharge
- Preparation of employee handbooks and policy manuals, employment agreements, separation agreements, employment applications, and related forms
- Protection of employers' trade secrets and confidential information
- State and federal wage and hour law compliance
- Enforcement of non-compete, confidentiality, and trade secret agreements
- Health Insurance Portability and Accountability Act (HIPAA)

## **Employment Litigation**

Our attorneys represent municipalities in litigation concerning the validity of interest and grievance arbitration awards, as well as labor board decisions. We also represent employers in employment claims before federal and state district, appellate, and supreme courts, as well as administrative agencies such as the US Equal Employment Opportunity Commission (EEOC), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), Department of Labor (DOL), and their state counterparts. In addition to our services to corporate employers, we have a well-established team providing legal defense to federal, state, and local law enforcement officers across the country. Our experienced litigators and trial attorneys handle a wide variety of employment-related claims and litigation, including multi-plaintiff, multi-jurisdictional, and class action matters.

## **Representative Matters**

Our representation includes the following

- Negotiation of a new police contract for Abington Township that eliminated a significant liability for accrued leave time that was increasing each year.
- Negotiation of a new police contract for Radnor Township that reduced retiree medical, eliminated the lump sum buyback of accrued leave time from the final average salary pension calculation, and permanently reduced salaries for new officers.
- Counsel to the City of York in its recent police contract negotiations, which adjusted the police pension COLA to reduce the city's funding obligation by \$2.2 million.
- Negotiation of a new police contract for a Chester County municipality, which reduced health care costs by more than 20%.
- Current representation of the City of Philadelphia in a number of employment litigation matters.
- Current representation of Southeastern Pennsylvania Transportation Authority (SEPTA) in a number of employment litigation matters and labor arbitrations.
- Current representation of Pennsylvania State System of Higher Education (PASSHE) in employment discrimination matters and Title IX matters.
- Current representation of the Pennsylvania Turnpike Commission in labor arbitrations.
- Current counsel to the Philadelphia Commission on Human Relations.
- Current special counsel to the Philadelphia Parking Authority.
- Current representation of Philadelphia Gas Works in all labor matters.
- Current representation of the Allegheny County Airport Authority in labor and employment matters.
- Current representation of the Pittsburgh Water and Sewer Authority in labor and employment matters.

## CAPABILITY

Our core team is backed by a national Labor and Employment practice and full-service firm, ensuring that we have the internal resources available to quickly and completely address all your labor and employment issues.

We commit that our team will be available when needed both inside and outside normal working hours. We will work in advance of deadlines and will not “over lawyer” transactions. We guarantee consistent, first-class service delivery to the Township. This level of service is further guaranteed by the assurance that we can offer supplemental, experienced resources and the flexibility to instantly respond to any priority that may arise.

### Hands on Relationship Management

Working closely with key leaders at the Township, our lead attorney, Joe Rudolf, is responsible for all elements of service delivery to you and for ensuring that your needs are understood and met. Our approach includes the following elements:



**Clear, regular communication:** Acting as the primary contact in the firm, Joe will facilitate regular meetings, ongoing communication, and open access to our team.



**Service delivery and continuous improvement:** We commit to providing seamless, responsive service to the Township, in a manner that is aligned to agreed-upon, mutually understood performance indicators.



**Team and resource management:** Joe will be responsible, with input from the Township, for assigning work streams and managing workflows among engagement participants so that our services are delivered in an efficient and effective manner.



**Risk management:** We apply appropriate and collective team experience to ensure optimal legal risk management for the Township and proactively design legal risk management processes.



**Financial and other reporting:** We develop agreed-upon pricing models most appropriate to your needs and budget and deliver periodic financial reporting in the preferred format and frequency.

## PROJECT MANAGEMENT

Our approach to serving as counsel is to act as a strategic partner and trusted advisor to our clients. Our team develops a thorough understanding of our clients' objectives and unique risks and challenges. We use that understanding proactively to aid clients in identifying, avoiding, and solving problems in keeping with the strategy, objectives, risk tolerances, cost concerns, and other factors of importance to the client.

As discussed in the Capability section above, we partner with our clients to ensure that all needs are understood and met through regular meetings, ongoing open communication, and unfettered access to our team of attorneys and other professionals. We tailor our communications strategies for the different needs of each client and matter. We identify and assign a client lead to be the point person for our client, who will serve as the liaison with the Clark Hill team. In order to serve our clients most effectively and efficiently, we ensure each client is aware of a clear communication strategy before we commence work. In providing counsel, we look at the situation from our client's perspective and work to develop appropriate solutions. We respect and value the business judgment, professional expertise, and experience of the client. Our ultimate goal is to assist the client in making considered decisions with an understanding of the risks associated with such decisions. We do not attempt to create problems where none exist, and we recognize and believe that "reinventing the wheel" is neither a time- nor cost-effective exercise. Our lawyers work with clients from the outset to determine goals, concerns, and preferences. We work with the client to evaluate each matter and consider the critical factors that may affect our approach.

Based on these discussions, we develop a plan for each matter. Early evaluation of each matter enables us to propose appropriate staffing and management responsibilities. As the matters progress, our lawyers and our clients use the plan as a barometer to measure progress, plan future action, and weigh the most appropriate and cost-effective solution.

## CLIENT LIST

Our team has widespread experience representing Pennsylvania public sector entities, giving us the knowledge necessary to not only meet the minimum requirements, but exceed them. Below is a list of the public employers to whom our attorneys, over the past seven years, have provided labor services. The list contains clients that were represented prior to 2015, when Joe Rudolf joined Clark Hill.

### Montgomery County

- Ambler Borough
- Bridgeport Borough
- East Norriton Township
- Hatfield Township
- Horsham Township
- Lower Frederick Township
- Lower Gwynedd Township
- Lower Moreland Township
- Lower Providence Township
- Lower Salford Township
- Montgomery County
- Narberth Borough
- North Wales Borough
- Rockledge Borough
- Telford Borough
- Upper Moreland Township
- Upper Providence Township
- Whitmarsh Township

### Adams County

- Conewago Township
- Eastern Adams Regional Police Commission
- Oxford Township

### Allegheny County

- Allegheny Airport Authority
- Rosslyn Farms Borough
- Pittsburgh Water and Sewer Authority

### Berks County

- Amity Township
- Berks County Prison Board

- Berks County
- Berks-Lehigh Regional Police Commission
- City of Reading Police Pension Board
- Cumru Township
- Exeter Township
- Kutztown Borough
- Shillington Borough
- Shoemakersville Borough
- South Heidelberg Township
- Spring Township
- West Philadelphia Borough
- West Reading Borough
- Wyomissing Borough

### Bradford County

- Sayre Borough

### Bucks County

- Bedminster Township
- Bristol Borough
- Buckingham Township
- Chalfont Borough
- Doylestown Borough
- Morrisville Borough
- Newtown Borough
- Pennridge Regional Police Commission
- Plumstead Township
- Quakertown Borough
- Telford Borough
- Tullytown Borough

### Chester County

- Birmingham Township

- Caln Township
- City of Coatesville
- East Goshen Township
- East Pikeland Township
- East Vincent Township
- Easttown Township
- Oxford Borough
- Spring City Borough
- Tredyffrin Township
- West Brandywine Township
- West Goshen Township
- West Grove Borough
- West Whiteland Township
- Willistown Township

Clarion County

- Clarion Borough

Clearfield County

- Clearfield Borough

Commonwealth of Pennsylvania

- Department of Education
- Office of General Counsel
- PASSHE
- Pennsylvania Turnpike Commission

Crawford County

- Linesville Borough

Cumberland County

- Camp Hill Borough
- Carlisle Borough

Dauphin County

- Derry Township
- Upper Chichester Township
- Upper Providence Township

Delaware County

- Chester Township
- Collingdale Borough
- County of Delaware

- Glenolden Borough
- Marple Township
- Radnor Township
- Swarthmore Borough
- Tinicum Township
- Upper Chichester Township
- Upper Providence Township

Elk County

- City of St. Marys

Indiana County

- Indiana Borough

Lackawanna County

- Dickson City Borough
- Dunmore Borough
- Moosic Borough
- South Abington Township
- Taylor Borough

Lancaster County

- Denver Borough
- City of Lancaster
- East Earl Township
- East Hempfield Township
- Mount Joy Township
- New Holland Borough
- Northern Lancaster County Regional Police Commission
- Northwest Lancaster Regional Police Commission
- Penn Township
- Upper Leacock Township
- Warwick Township

Lebanon County

- Myerstown Borough
- North Londonderry Township
- South Lebanon Township

Lehigh County

- City of Allentown



- Lower Milford Township
- Macungie Borough

Luzerne County

- City of Nanticoke
- Dallas Borough
- Duryea Borough
- Exeter Borough
- West Pittston Borough
- West Wyoming Borough
- Wyoming Valley Sanitary Authority

Lycoming County

- South Williamsport Borough

Mercer County

- Greenville Borough

Mifflin County

- Mifflin County Regional Police Commission

Monroe County

- Barrett Township

Northampton County

- Lehigh Township
- Moore Township
- Plainfield Township
- Upper Nazareth Township
- Walnutport Borough
- Wilson Borough

Northumberland County

- Milton Borough
- Northumberland Borough

Perry County

- Marysville Borough

- Rye Township

Philadelphia County

- City of Philadelphia
- Philadelphia Corporation for Aging
- Philadelphia Gas Works
- Philadelphia Parking Authority
- Southeastern Pennsylvania Transportation Authority

Schuylkill County

- Mahanoy City Borough
- Orwigsburg Borough
- Shenandoah Borough

Susquehanna County

- Mahanoy City Borough

Washington County

- Cecil Township

Wyoming County

- Eaton Township
- Monroe Township
- Tunkhannock Borough
- Tunkhannock Township
- Washington Township
- Wyoming County

York County

- City of York
- Northern York County Regional Police Commission
- Northwest Regional Lancaster County
- Wrightsville Borough
- York Area Regional Police Commission

## References

**Thomas Ray**, Director of Human Resources  
City of York  
101 South George Street  
York, PA 17401  
717.849.2221  
tray@yorkcity.org

**Robert Zienkowski**, Township Manager  
Radnor Township  
301 Iven Avenue  
Wayne, PA 19087  
610.688.5600 ext. 123  
rzienkowski@radnor.org

**Gino J. Benedetti**, General Counsel  
Southeastern Pennsylvania Transportation Authority (SEPTA)  
1234 Market Street  
Philadelphia, PA 19107  
215.580.7445  
gbenedetti@septa.org

## Conflicts

As indicated above, we currently are unaware of any representations of other clients that could potentially cause a conflict of interest with our responsibilities as Labor Attorney for the Township.

---

## **APPENDIX A: CERTIFICATE OF INSURANCE**

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/1/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency, LLC 15415 Middlebelt Road Livonia MI 48154-3805	CONTACT NAME: Amy L. Micallef, CIC, CISR, AIS, AAI, LIC	
	PHONE (A/C, No, Ext): 734-525-2445 FAX (A/C, No): 734-525-1841 E-MAIL ADDRESS: amicallef@mma-mi.com	
INSURED CLARKHILL Clark Hill, P.L.C.; Clark Hill LLP; Clark Hill, P.L.C. dba Clark Hill Thorp Reed; Conrad Consulting Services LLC 500 Woodward Ave., Ste 3500 Detroit MI 48226-3435	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Great Northern Insurance Company	20303
	INSURER B: Federal Insurance Company	20281
	INSURER C: Chubb Indemnity Insurance Company	12777
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: 2117346260 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			36055575	4/2/2018	6/10/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			73603245	4/2/2018	6/10/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			93650014	4/2/2018	6/10/2019	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N Y N/A	71745576	2/1/2018	2/1/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER  FOR INFORMATION ONLY LIABILITY COVERAGE	CANCELLATION  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/29/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Willis of Michigan, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 1-877-945-7378      FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b> Clark Hill, PLC Attn: Patrick Allen 500 Woodward Avenue, Suite 3500 Detroit, MI 482263435	<b>INSURER A:</b> National Fire & Marine Insurance Company	20079
	<b>INSURER B:</b> Continental Casualty Company	20443
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
<b>INSURER F:</b>		

**COVERAGES**      **CERTIFICATE NUMBER:** W6788487      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	<b>Lawyers Professional Liability</b> Claims Made Form			42-EPP-303929-02	07/01/2018	07/01/2019	Per Claim \$10,000,000 Aggregate \$20,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

**CERTIFICATE HOLDER**      **CANCELLATION**

For Informational Purposes Only	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



**ADDITIONAL REMARKS SCHEDULE**

Page 2 of 2

AGENCY Willis of Michigan, Inc.		NAMED INSURED Clark Hill, PLC Attn: Patrick Allen 500 Woodward Avenue, Suite 3500 Detroit, MI 482263435	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Quota Share Participant Carriers:  
Berkshire (National Fire & Marine Insurance Company)- 50.0%  
Brit Syndicate #B080140062P18- 20.0%  
ProSight/Gotham #PL2018LPL90122- 11.25%  
Huntersure/Scottsdale #LWS0000631- 18.75%

INSURER AFFORDING COVERAGE: Continental Casualty Company  
POLICY NUMBER: 596774909      EFF DATE: 07/01/2018      EXP DATE: 07/01/2019

NAIC#: 20443

TYPE OF INSURANCE:	LIMIT DESCRIPTION:	LIMIT AMOUNT:
Cyber Liability	See Below	

ADDITIONAL REMARKS:  
Media - \$10,000,000  
Network Security - \$10,000,000  
Privacy Injury Liab - \$10,000,000  
Privacy Regulation Fines/ \$10,000,000  
Privacy Event Expense \$10,000,000  
Extortion Demand \$10,000,000  
Business Interruption and Extra Expense \$10,000,000  
Including Third Party Vicarious Liability and Assumed Liability  
subject to \$25,000/ Retro date 9/17/2015



## CLARK HILL OFFICES

### Austin

720 Brazos Street  
Suite 700  
Austin, TX 78701  
512.499.3600

### Beaumont

2615 Calder Avenue  
Suite 240  
Beaumont, TX 77702  
409.351.3800

### Birmingham

151 South Old Woodward  
Suite 200  
Birmingham, MI 48009  
248.642.9692

### Chicago

130 East Randolph Street  
Suite 3900  
Chicago, IL 60601  
312.985.5900

### Collin County

2600 Dallas Parkway  
Suite 600  
Frisco, TX 75034  
469.287.3900

### Dallas

901 Main Street  
Suite 6000  
Dallas, TX 75202  
214.651.4300

### Detroit

500 Woodward Avenue  
Suite 3500  
Detroit, MI 48226  
313.965.8300

### Grand Rapids

200 Ottawa NW  
Suite 500  
Grand Rapids, MI 49503  
616.608.1100

### Houston

909 Fannin Street  
Suite 2300  
Houston, TX 77010  
713.951.5600

### Lansing

212 East Cesar Chavez  
Avenue  
Lansing, MI 48906  
517.318.3100

### Las Vegas

3800 Howard Hughes Parkway  
Suite 500  
Las Vegas, NV 89169  
702.862.8300

### Los Angeles

1055 West Seventh Street  
Suite 2400  
Los Angeles, CA 90017  
213.891.9100

### Morgantown

1290 Suncrest Towne  
Centre  
Morgantown, WV 26505  
304.233.5599

### New York

830 Third Avenue  
Suite 200  
New York, NY 10022  
646.395.8580

### Philadelphia

One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
215.640.8500

### Phoenix

14850 N. Scottsdale Road  
Suite 500  
Scottsdale, AZ 85254  
480.684.1100

### Pittsburgh

One Oxford Centre  
301 Grant Street  
14th Floor  
Pittsburgh, PA 15219  
412.394.7711

### Princeton

210 Carnegie Center  
Suite 102  
Princeton, NJ 08540  
609.785.2968

### San Antonio

2301 Broadway Street  
San Antonio, TX 78215  
210.250.6000

### San Diego

One America Plaza  
600 West Broadway  
Suite 500  
San Diego, CA 92101  
619.557.0404

### San Francisco

One Embarcadero Center  
Suite 400  
San Francisco, CA 94111  
415.984.8500

### Washington, DC

1001 Pennsylvania Avenue NW  
Suite 1300 South  
Washington, DC 20004  
202.772.0909

### Wilmington

824 North Market Street  
Suite 710  
Wilmington, DE 19801  
302.250.4750

### Dublin, Ireland

Fitzwilliam Hall  
Fitzwilliam Place  
Dublin, D02 T292  
+353.0.1.9011.115

### Mexico City, Mexico

Bosque de Radiatas No. 42, Despacho 104  
Colonia Bosques de las Lomas  
Ciudad de Mexico, C. P. 05120  
+52.55.4161.6064

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## COST PROPOSAL

We recognize and understand that an important component toward helping the Township control external costs includes legal fees. We are sensitive to the Township's obligation to secure the best professional services available at the lowest possible rate. Our staffing model and service to the Township will continue to take controlling costs into consideration in all areas of representation.

### Option A: Monthly Retainer Plus Hourly Fees

We propose to handle all work under this engagement using a monthly retainer of \$1,800 to address one-off phone calls and email advice, as well as other routine matters such as document reviews. Separate, more detailed projects would be handled under a blended hourly rate of \$300 for calendar year 2019. No new matter file to be billed with hourly rates would be opened without approval of the Township manager. The blended rate would increase to \$315 for 2020 and to \$330 for 2021.

### Option B: Hourly Fees for All Work Without Retainer

If the Township would prefer to handle all billing under a straight hourly fee structure, we propose the following rates for our team.

Attorney Level	2019 Rate	2020 Rate	2021 Rate
Member	\$340	\$350	\$360
Associate	\$290	\$300	\$310

### Billing Policies and Other Costs

Unlike most law firms, Clark Hill does not charge clients for telephone toll charges, faxes, postage, computerized legal research services, routine photocopy projects or e-alerts. Moreover, we do not charge our public sector clients for travel time. However, clients are responsible for the reimbursement of all other costs and expenses advanced on their behalf, including but not limited to deposition and transcript costs; witness fees; travel expenses; charges of outside experts and consultants; and other legal counsel fees. Whenever such costs are incurred, they are clearly itemized on our invoices and charged at our cost.

We will keep accurate records of the time we devote to Township work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, and other related matters. We record our time in tenths of an hour.

# Maiello Brungo & Maiello

ATTORNEYS AT LAW

Falco A. Muscante  
412-242-4400, Ext. 119  
[fam@mbm-law.net](mailto:fam@mbm-law.net)

November 16, 2018

Richard J. Manfredi  
Township Manager  
Abington Township  
1176 Old York Road  
Abington, PA 19001

**Re: Labor Attorney/Employment Counsel RFQ**

Mr. Manfredi:

Maiello, Brungo & Maiello is pleased to apply for the position of Labor Attorney/Employment Counsel. As requested by the Request for Qualifications (RFQ), enclosed please find an original and seventeen (17) copies and one (1) electronic copy of our proposal and biographies of each of the attorneys working in our Municipal Law Division. In addition, we are providing eighteen (18) copies of the Cost Proposal in a separate envelope.

Thank you for the opportunity to apply for the Labor Attorney/Employment Counsel position with Abington Township. Should you require any further information, please do not hesitate to call.

Very Truly Yours,



Falco A. Muscante

291086,9999.8

*Maiello Brungo & Maiello*

ATTORNEYS AT LAW

**Proposal for Labor Attorney/  
Employment Counsel**

Presented to

**Abington Township**

**November 20, 2018**

MAIELLO BRUNGO & MAIELLO, LLP  
SOUTHSIDE WORKS  
424 SOUTH 27<sup>TH</sup> STREET, #210  
PITTSBURGH, PA 15203

Falco A. Muscante, Esquire  
Partner  
fam@mbm-law.net  
412.242.4400, Ext. 119

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## CONTACT INFORMATION

### Firm Information:

Maiello Brungo & Maiello, LLP  
Southside Works  
424 South 27<sup>th</sup> Street, Suite 210  
Pittsburgh, PA 15203  
Phone: 412.242.4400  
Fax: 412.242.4377

Established: 1997

### Principal Assignment Information:

Falco A. Muscante, Esquire  
412-242-4400, Ext. 119  
[fam@mbm-law.net](mailto:fam@mbm-law.net)

MBE/WBE - Not applicable

## **PERSONNEL QUALIFICATIONS**

Our primary goal is to provide quality service to our clients in a timely fashion. One of the ways we accomplish this is to assign a team consisting of two attorneys, one of whom acts as the lead attorney. Falco A. Muscante is a Partner in the firm who would be designated as the lead counsel for Abington Township. Mr. Muscante has over 30 years of experience representing municipal entities, and would work with two other firm Partners, Mr. Maiello who has 52 years of experience and Mr. Brungo with over 30 years of experience representing public entities, as well as Associates, Peter J. Halesy and Christina L. Lane, as the team servicing Abington Township. Mr. Muscante and Mr. Halesy would be the primary attorneys performing labor/personnel, negotiations and interest arbitration services. If selected, each of our attorneys will be available to provide the requested services throughout the term of the agreement and beyond, if additional representation is required by the Township. Each attorney has provided a full range of services dealing with personnel matters. As an example, we have created hiring procedures to comply with applicable state and federal laws and the most current Court decisions; routinely assisted clients with personnel issues from the outset, thereby avoiding unnecessary litigation; and processed grievance and arbitration hearings in connection with disciplinary actions which resulted in successful resolutions. We invite you to review the enclosed biographies/résumés of each of the attorneys in our Municipal Law Division.

Maiello, Brungo & Maiello, LLP has extensive experience in all aspects of municipal law, including Act 111 interest arbitration; Act 195 collective bargaining; contract administration; all aspects of personnel matters, including FLSA issues, matters before the PLRB, grievance and arbitration hearings, Civil Service Commission, civil rights and employment discrimination claims before the EEOC, PHRC, and state and federal courts; and Heart and Lung Act issues.

Maiello Brungo & Maiello's role as Solicitor and Special Counsel for numerous municipalities and School Districts throughout the Western Pennsylvania area, including municipalities and School Districts in Allegheny, Clarion, Mercer, Beaver, Fayette, Westmoreland and Washington Counties over the past thirty-five years enables our firm



to provide immediate legal advice and direction that is proven by our many years of experience. Maiello, Brungo & Maiello is providing or has provided service in the capacity of solicitor, labor counsel, special counsel, or litigation counsel for numerous public bodies in Western Pennsylvania, including the following:

MUNICIPALITIES, AUTHORITIES AND COMMISSIONS

Housing Authority of the City of Pittsburgh  
Urban Redevelopment Authority of Pittsburgh  
City of Pittsburgh Ethics Hearing Board  
Allegheny County Personnel Board  
Girty's Run Joint Sewer Authority  
Hampton Shaler Water Authority  
Monroeville Finance Authority  
Mt. Lebanon Municipality  
Borough of New Wilmington  
Butler County  
Borough of Dormont Zoning Hearing Board  
Borough of Pleasant Hills Zoning Hearing Board  
Findlay Township Zoning Hearing Board  
Steel Rivers Council of Governments  
Allegheny County Southwest Tax Collection Committee  
Allegheny County North Tax Collection Committee  
Westmoreland County Tax Collection Committee  
Penn Township (Butler County)  
Scott Township  
Borough of Braddock  
Borough of Glassport  
Borough of Lincoln  
Borough of Midland  
Borough of Zelienople

SCHOOL DISTRICTS

Bethel Park School District  
Central Valley School District  
Central Westmoreland Career and Technology Center  
Chartiers Valley School District  
Clarion Limestone Area School District  
Greenville Area School District  
Forbes Road Career and Technology Center  
Fort Cherry School District  
Franklin Regional School District  
Hampton Area School District  
Intermediate Unit #1

Jeannette City School District  
Keystone Oaks School District  
Leechburg Area School District  
Lenape Area Vocational-Technical School  
Moon Area School District  
Monessen School District  
Mt. Lebanon School District  
North Allegheny School District  
Norwin School District  
Penn Hills School District  
Penn Trafford School District  
Plum Borough School District  
Riverview School District  
South Allegheny School District  
South Park School District  
Steel Valley School District  
Trinity Area School District  
Union Area School District  
Uniontown Area School District  
West Allegheny School District  
West Mifflin Area School District  
Wilmington Area School District  
Yough School District

Disciplinary Action/Conflict of Interest

Neither our firm nor any of its principals has been a defendant in any litigation nor has our firm or any of its principals been subject to any professional disciplinary action over the last three years. There is not presently nor has there ever been any ongoing investigations and/or litigation matters involving our firm or any of our directors, officers, principals or any of our employees that relate to our performance generally or in the area of public sector law specifically. To our knowledge, there are no existing or potential conflicts of interest which would impact our service as Labor Attorney for the Township. For additional information about Maiello, Brungo & Maiello, please visit our website at [www.mbm-law.net](http://www.mbm-law.net).

### Insurance Coverage

Maiello, Brungo & Maiello, LLP currently maintains professional malpractice insurance coverage through Allied World Assurance Company in the amount of \$2 Million, with self-retention in the amount of \$15,000.00.

## **SPECIALIZED LEGAL SERVICES COMPETENCE**

### Experience in Collective Bargaining Matters

Maiello, Brungo & Maiello, LLP has in-depth experience in collective bargaining procedures and techniques under Act 88, Act 195 and Act 111. Members of our firm have served as chief negotiator for professional employee contracts, as well as non-professional employees, such as public works, custodians, secretaries, paraprofessionals, bus drivers, police officers, fire and emergency medical services, sheriff deputies and other support staff and employees. Our firm provides the necessary guidance in drafting contract language and assisting the negotiating team in avoiding common pitfalls in the negotiating process. Members of our firm have not only been involved in traditional collective bargaining negotiations, but have had other experiences such as early bird negotiations, mediation, fact-finding and arbitration. During the collective bargaining process, many clients look at the issue of sub-contracting work. Our firm has successfully guided our clients through this rather complex issue resulting either in work being sub-contracted or in successfully concluding contract negotiations.

Currently, and in the past, our firm has negotiated contracts with the SEIU, PSEA, ESPA-PSEA-NEA, AFT, AFSCME, Teamsters, FOP, UWUA, SPFPA, IOFF and others. Just as important as the collective bargaining process, contract administration of a Collective Bargaining Agreement is critical in that, if done effectively, it prevents labor problems before they begin. We work closely with public entities in administering the contracts, once a contract is signed, by having regular contact with the designated Township Officials and Commissioners and reviewing on a periodic basis, the nature of any labor issue that the Township may be having, thereby enabling the Township to avoid

that issue in the future and/or to correct the issue during the next round of collective bargaining.

Our attorneys also have experience in handling difficult and protracted labor negotiations. Maiello, Brungo & Maiello LLP has guided those clients through these critical periods with our working knowledge of Act 88, Act 111 and Act 195. In many instances, frivolous grievances are filed, as well as complaints to the Pennsylvania Labor Relations Board ("PLRB") in order to exert pressure in an attempt to obtain a more favorable outcome for the bargaining unit. In those instances, we have taken aggressive stances to counteract such tactics. We also routinely appear before the PLRB on such issues as unit clarifications, unfair labor charges, and representation elections.

#### Grievance Administration and Arbitration

Members of our firm have handled grievances at all steps in the grievance procedure, including presentation of the employer's case before an arbitrator. Our experience and familiarity with local arbitrators has enabled us to be successful in the vast majority of grievances that have been resolved through arbitration. The arbitration hearings in which we have been involved have been before the American Arbitration Association, Federal Bureau of Mediation, and State Bureau of Mediation. We have also successfully appealed arbitration decisions to court and overturned them when there is a violation of public policy.

#### Personnel

Members of our firm, both in the capacity of solicitor and special counsel, have provided a full range of services dealing with personnel matters. As an example, we have created hiring procedures to comply with applicable state and federal laws and the most current court decisions; routinely assisted the designated Officials with personnel issues from the outset, thereby avoiding unnecessary litigation; and processed grievance and arbitration hearings in connection with disciplinary actions. Members of our firm are routinely involved in a wide range of personnel matters encompassing statutory

requirements involved in the personnel area today. Some of the statutory requirements that members of our firm are involved in on a regular basis are the Local Agency Law, the Administrative Agency Law, Veterans Preference Act, Whistleblowers Law, Pennsylvania Human Relations Act, Public Employee Relations Act ("PERA"), Uniform Arbitration Act, Public School Code, Judicial Code, Sunshine Act, Pennsylvania Loyalty Act, and the Workers' Compensation Act. Many personnel issues are now generated by federal statutory requirements such as the Age Discrimination in Employment Act ("ADE"), Americans with Disabilities Act ("ADA"), Family and Medical Leave Act ("FMLA"), and numerous other federal statutes, all of which impact the personnel issues commonly found in government agencies today. In addition to the statutory requirements, members of our firm work, on a day-to-day basis, with the various constitutional issues involving personnel matters such as substantive due process, free speech, political action and association, religious freedom, and issues dealing with forms of discrimination. Maiello, Brungo & Maiello, LLP has wide experience in handling personnel matters and disciplinary actions with all classifications of municipal employees such as police, firefighters, business administrators and support staff. We are capable and have handled a full range of personnel services, such as conducting pre-hearing investigations in such areas as sexual harassment between an administrator and employee, between employees, and alleged misconduct of employees toward residents. We have experience in dismissal proceedings under grievance and arbitration procedures required under labor contracts.

#### Litigation Involving Governmental Agencies and Tort Liability of Local Government Entities and Officials

Our firm has defended various governmental agencies in litigation involving virtually all of the Civil Rights Statutes. Members of our firm frequently appear before the Pennsylvania Human Relations Commission, the Federal Equal Employment Opportunity Commission and in both State and Federal Court. Litigation includes defending against actions brought under the Pennsylvania Human Relations Act, Sections 1981, 1983, 1985 and 1988 of the Civil Rights Act, as well as Titles VI, VII and IX thereof. Our experience in this area includes discrimination litigation based on race, sex, age and physical

handicaps, as well as the developing area of reverse discrimination and sexual harassment. Regarding alleged tort liability, the government entity and officials are covered by insurance policies and the defense of those claims is handled by attorneys appointed by insurance companies. As solicitor or special counsel, we have provided defenses to government agencies that are not covered by such insurance and have also functioned as co-counsel in other cases with the insurance company's attorneys.

#### Advising Municipal Personnel

Our firm interacts with municipal department heads, municipal managers, and committee chairs on a daily basis. When requested, we provide training to municipal officials on a variety of matters, including those related to personnel. Our attorneys work closely with municipal officials to review existing policies, assist in drafting new policies, and implement best practices for personnel management. By way of example, our firm recently assisted a client in a full and complete update/revision of its Police Department's Policy and Procedures Manual in order to pursue departmental accreditation and ensure that the entity's Police Officers were performing their duties in accordance with applicable law. The consistent interaction between our attorneys and municipal representatives comports with our philosophy of proactively addressing issues rather than reacting to those issues when a problem arises. Our firm understands the challenges that local governments face in providing a high level of service to their residents while striving to control costs. Our firm believes in addressing issues before they transform into major problems, thus saving the government money in the long-term.

## CAPABILITY

Our primary goal is to provide quality service to our clients in a timely fashion. One of the ways we accomplish this is to assign a team consisting of two attorneys, one of whom acts as the lead attorney. However, each attorney in our Municipal Law Division will be familiar with the major issues occurring in the Township. In this manner, we are able to promptly respond to our clients' needs in the event one of the team members is not immediately available to respond to inquiries. Experience tells us that use of this system enable clients to receive the maximum service at the least cost.

We will encourage open lines of communication with the designated Township Officials in order to detect issues as early as possible in order to avoid costly litigation. Our firm will strive to keep the designated Township Officials fully informed of all legal issues, advising them of the available options and the consequences of each of those options. In order to best respond to our clients' needs on a daily basis, we will establish with the designated Township Officials the manner in which our office will function as Counsel, and the lines of communication between the Township and our office. Our firm will also provide the Township Officials with updates of changes in legislation, significant judicial and administrative decisions, and provide appropriate training in order to keep the Township up to date with the latest trends in the law.

Our office is equipped with a state of the art computer network, with all attorneys and paralegals having a computer at their desk and remote access to the network and e-mail when away from the office. We also have a secure, encrypted file access (a "cloud") for clients that allows for highly secure file sharing with clients as an alternative to simple, unencrypted email. We utilize e-mail and smart phones to assist in providing a quick response and a convenient means of exchanging information and documents. We are also equipped with Skype and other video conferencing capabilities to attend meetings remotely when needed.



## **PROJECT MANAGEMENT**

MBM maintains a full time staff of fifteen (15) attorneys who provide 100% of the legal services provided by the firm. It has been our policy to utilize full time staff so as to enable the firm to develop long term relationships with its clients. It is our experience that long term relationships not only increase dedication to the client but also provide a more cost effective means of providing legal services by eliminating the learning curve of understanding the client's organizational structure and needs. Current staffing allows us to immediately provide any services needed by the Township. In addition to its full time attorneys, the firm also has full time paralegals and assistants to provide support as needed.

It is the firm's philosophy to allocate the most qualified individuals to the dedicated tasks in keeping with their experience and practice focus. This allows us to provide focused services in the most economical manner. While Mr. Muscante will maintain oversight responsibilities, the responsible attorney for a particular practice group will also serve as a primary contact with the Township.

This delegation maintains close communication between our office and the Township. On a regular basis, each of the assigned practice attorneys meets to discuss and provide status updates to the Program Managing Attorney. This multi-level knowledge by the firm's attorneys provides the Township with easy access to status information and immediate answers to issues as they arise.

Perhaps the best example of our viability is the ability of MBM to maintain and foster long term relationships with its clients. Many of MBM's public sector clients have been associated with the firm in excess of 35 years. This is despite changes in these entities' organizational structures and leaders.

## CLIENT LIST

Maiello, Brungo & Maiello, LLP currently provides Solicitor or Special Counsel services for the following municipal and school district clients:

Housing Authority of the City of Pittsburgh  
Urban Redevelopment Authority of Pittsburgh  
City of Pittsburgh Ethics Hearing Board  
Allegheny County Personnel Board  
Girty's Run Joint Sewer Authority  
Hampton Shaler Water Authority  
Monroeville Finance Authority  
Borough of Dormont Zoning Hearing Board  
Findlay Township Zoning Hearing Board  
Steel Rivers Council of Governments  
Allegheny County Southwest Tax Collection Committee  
Allegheny County North Tax Collection Committee  
Westmoreland County Tax Collection Committee  
Borough of Braddock  
Borough of Glassport  
Borough of Lincoln  
Borough of Midland  
Central Valley School District  
Clarion Limestone Area School District  
Greenville Area School District  
Jeannette City School District  
Keystone Oaks School District  
North Allegheny School District  
Penn Trafford School District  
Plum Borough School District  
Riverview School District  
South Allegheny School District  
Uniontown Area School District  
Yough School District

Please contact the following municipal client references:

**Borough of Glassport**  
Ms. Elaina Skiba, Council President  
(412) 672-7400

**Borough of Lincoln**  
Ms. Tammy Firda, Councilmember  
(412) 751-2655

**Borough of Braddock**  
Ms. Tina Doose, Council President  
(412) 271-1018

Please contact the following school district client references:

**North Allegheny School District**  
Dr. Robert J. Scherrer, Superintendent  
(412) 366-2100

**Central Valley School District**  
Dr. Nicholas Perry, Superintendent  
(724) 775-5600

**Keystone Oaks School District**  
Dr. William P. Stropkaj, Superintendent  
(412) 571-6005

## ALFRED C. MAIELLO

acm@mbm-law.net

### AREAS OF LAW

School & Municipal, Labor & Employment,  
Construction, Business, Litigation



### EDUCATION

Pennsylvania State University  
B.S. 1962  
Duquesne University  
J.D. 1965

### MEMBERSHIPS

American Bar Association  
Pennsylvania Bar Association  
Allegheny County Bar Association  
Allegheny County Association of  
Municipal and School Solicitors  
Pennsylvania School Board  
Solicitors Association  
National School Boards Association

**ALFRED C. MAIELLO** is the Senior Managing Partner with Maiello, Brungo & Maiello, LLP. His broad-based expertise covers numerous practice areas including public sector law, corporate law, acquisitions and mergers, commercial transactions, business litigation, construction, and real estate law. Mr. Maiello also has extensive experience in the litigation of employment discrimination, personnel-related litigation, and civil rights matters.

Mr. Maiello has represented both school and municipal clients since he began practicing law. He has in-depth experience with personnel issues, dealing with matters such as disciplinary suspensions and dismissals, student matters, civil rights, constitutional issues, and handling cases involving various governmental agencies, such as the EEOC and Pennsylvania Human Relations Commission. He has appeared before both state and federal courts. Mr. Maiello has been extensively involved in labor negotiations, as well as alternative methods of dispute resolutions.

Mr. Maiello has also worked comprehensively in the field of construction law, working with general contractors, subcontractors, owners, and architects. He has handled both complex civil litigation and arbitration actions dealing with claims resulting from delays, loss of efficiency, differing site conditions, change in the scope of the project, as well as claims arising from other types of disputes

## MICHAEL L. BRUNGO

mlb@mbm-law.net

### AREAS OF LAW

School & Municipal, Labor & Employment, Litigation



### EDUCATION

Wheeling College  
(Now known as Wheeling  
Jesuit University)  
B.A. 1974  
West Virginia University,  
M.A. 1977  
Duquesne University School of Law  
J.D. 1986

### Membership

American Bar Association  
Labor Division and School Law  
Division  
Pennsylvania Bar Association  
Pennsylvania School Boards Solicitors  
Association  
Allegheny County Bar Association  
Municipal Solicitors Section  
Alpha Sigma Nu and Phi Kappa Phi  
National Societies

**MICHAEL L. BRUNGO** is a Partner with Maiello Brungo & Maiello, LLP. The focus of Mr. Brungo's practice is the representation of public entities such as school districts, municipalities and municipal authorities on issues ranging from special education, student rights and constitutional and civil rights issues to teacher tenure and personnel actions. Mr. Brungo also represents public and private entities regarding employment matters such as hiring and discipline, defending claims of discrimination, and negotiating terms and conditions of employment.

Mr. Brungo's work with public entities has extended to appearing before various public agencies and courts. Additionally, he has negotiated collective bargaining agreements and engaged in interest and grievance arbitration on behalf of his clients. Mr. Brungo has extensive experience in litigation of special education matters; labor and employment matters, including discrimination and personnel-related issues; and civil rights matters.

## Falco A. Muscante

fam@mbm-law.net

### AREAS OF LAW

Municipal, School, Labor & Employment  
Estate Planning, Litigation



### EDUCATION

Duquesne University

B.A. / M.A. 1983

Duquesne University School of Law

J.D. 1987

### MEMBERSHIP

Allegheny County Bar Association

**FALCO A. MUSCANTE** is a Partner with Maiello, Brungo and Maiello, LLP, focusing his practice in the Public Sector School and Municipal Law Practice Group.

For his public clients, including school districts, boroughs, townships, sewer authorities and third class cities, Mr. Muscante has served as lead negotiator in collective bargaining negotiations. He has also provided legal counsel in student disciplinary and expulsion hearings and eminent domain proceedings for acquisition of land for recreational and flood control projects and civil rights litigation matters. In addition, he has represented his public clients in grievance arbitration hearings, Act III police and fire interest arbitration proceedings, and personnel related litigation.

In addition to serving as legal counsel and solicitor, Mr. Muscante has also served as a former appointed member of a Zoning Hearing Board and Planning Commission, and as a former elected Borough Councilmember and elected School Board Director.

Mr. Muscante's legal experience also extends to representation of private clients in an extensive range of civil matters including estate administration, real estate closings, quiet title actions and small business and non-profit incorporation. He has also represented his private clients in civil litigation, including personal injury and employment related matters, at all levels of both the state and federal court system.

Licensed to practice in Pennsylvania since 1987, Mr. Muscante has been admitted to practice before all the Courts of the Commonwealth and federal courts, including the Third Circuit Court of Appeals and the United States Supreme Court.

## PETER J. HALESEY

pjh@mbm-law.net

### AREAS OF LAW

School & Municipal, Litigation



### EDUCATION

University of Pittsburgh,  
BA, magna cum laude, 2009  
University of Pittsburgh School of Law,  
JD 2012

### MEMBERSHIPS

Allegheny County Bar Association

**PETER J. HALESEY** is an associate with Maiello, Brungo & Maiello, LLP, and is a member of its School and Municipal Law Practice Group. Mr. Halsey represents school districts and municipalities throughout Western Pennsylvania and provides counsel on a wide range of governmental legal obligations, including: employee grievances, collective bargaining negotiations, and arbitration proceedings.

Prior to working for Maiello, Brungo & Maiello, Mr. Halsey began his legal career representing public-sector clients in Northeast Pennsylvania. He continued his legal practice in Pittsburgh where he worked for a firm specializing in insurance defense litigation, which included the representation of municipalities sued for numerous federal and state-law claims. Mr. Halsey's experience in both fields allows him to provide effective counsel to his school and municipal clients, while simultaneously guiding them through the adversarial process should the need arise. His experience allows him to advise his clients through the entire legal process.

Mr. Halsey obtained his juris doctor from the University of Pittsburgh School of Law, where he received the CALI Excellence for the Future Award for earning the highest grade in Legal Research (2010). He is licensed to practice in all Courts of the Commonwealth of Pennsylvania and the United States District Courts for the Middle and Western Districts of Pennsylvania.



## CHRISTINA L. LANE

cll@mbm-law.net

### AREAS OF LAW

School & Municipal, Litigation



### EDUCATION

Washington & Jefferson College,  
BA, 1992  
University of Akron School of Law,  
JD 1995

### MEMBERSHIPS

Allegheny County Bar Association  
PSBA Solicitor's Association

**CHRISTINA L. LANE** joins Maiello Brungo & Maiello, LLP as an accomplished school, municipal, labor and employment attorney with over fifteen years of experience in representing public sector employers. Ms. Lane concentrates her practice upon education and employment law. She has considerable expertise in disability, employment and related litigation before administrative agencies such as the PHRC, EEOC, state and federal courts.

Ms. Lane routinely provides counsel to clients on issues of regulatory compliance, policy development, collective bargaining, employee discipline, student services, accommodation requests, and litigation avoidance. Ms. Lane possesses considerable expertise in litigation management providing consistent, client-based and cost-effective legal services to her clients. She is routinely requested to present at regional and local conferences to attorneys, board members, and administration on governance, employer obligations, disability laws, harassment, child abuse reporting obligations, civil rights in the work environment, and employee discipline. In her practice, Christina places emphasis on working closely with key personnel concerning the legal responsibilities the public sector entity must provide to its student, employees, and community stakeholders. Ms. Lane is widely known as a trusted advisor with the judgment and skills employed to address issues equally well in the conference room and courtroom.

## FEE PROPOSAL

Our proposed hourly rates for the attorneys and other personnel performing requested services are set forth below:

### **Option A:**

Monthly retainer \$1,500.00

<u>CATEGORIES</u>	<u>PROPOSED HOURLY RATES</u>
Partners	\$200.00
Associates	\$150.00
Paralegals	\$ 75.00

### **Option B:**

<u>CATEGORIES</u>	<u>PROPOSED HOURLY RATES</u>
Partners	\$245.00
Associates	\$195.00
Paralegals	\$ 75.00

Mr. Muscante is a partner of the firm. Although he will serve as the primary contact for all matters, to the extent that Associates or other support staff may be utilized to support their efforts, the overall fee will be lower. In addition to the hourly rate for performed services, any attorney required to travel will bill at the rate of \$50.00 per hour of travel time, plus associated travel costs.

The hourly rate is billed by fractions of hours computed in periods of not less than tenths of an hour. Our billing system can be tailored to a variety of formats providing the Township with as much information as it deems necessary to adequately monitor the utilization of our service.

We do **not** charge for postage, telephone charges, faxes, routine photocopying, mileage and the like. For unusually large amounts of photocopying, we would charge normal copying costs on a case-by-case basis. It has been our experience that this is less costly than having the client utilize an outside service.



## **Proposal for Legal Services**

*Submitted to:*

***ABINGTON TOWNSHIP***

*For retention as:*

**Municipal Labor Attorney/Employment Counsel**

**November 16, 2018**

**Submitted by:**

**Eric M. Brown, Esq.**

**Partner**

**941 Pottstown Pike; Suite 200**

**Chester Springs, PA 19425**

**610-321-5500**

**[embrown@sianalaw.com](mailto:embrown@sianalaw.com)**

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# SIANA BELLWOAR

## ATTORNEYS AT LAW

### 2. CONTACT INFORMATION

a. Siana, Bellwoar & McAndrew, LLP  
941 Pottstown Pike, Suite 200  
Chester Springs, PA 19425  
610-321-5500

b. Firm's primary contact:

Eric M. Brown                      [embrown@sianalaw.com](mailto:embrown@sianalaw.com)

c. Email address for additional principals working with the Township:

Christopher P. Gerber              [cpgerber@sianalaw.com](mailto:cpgerber@sianalaw.com)  
Sheryl L. Brown                      [slbrown@sianalaw.com](mailto:slbrown@sianalaw.com)

d. Siana Bellwoar is a full-service law firm that employs an experienced team of attorneys. Our legal team has an accomplished record of counseling and representing public and private employers in all aspects of the law. Since 1992, the Firm has committed its resources to providing clients with the highest level of professional services.

e. Although not a certified Woman Owned Business Enterprise, the Firm includes a prominent female partner, Sheryl Brown (a member of the National Association of Women Business Owners), a female associate, and 9 female employees overall. Sheryl Brown is a lead litigation attorney in the Labor and Employment group.

### **3. Personnel Qualifications for Labor Counsel Services**

The Firm is experienced in advising public employers on labor and employment-related matters, including management of municipal police departments as well as non-uniform unions. Specifically, the Firm's attorneys have represented numerous public employers in:

- collective bargaining (both Act 111 and Act 195);
- achieving municipal goals through Act 111 binding interest arbitration;
- drafting and updating employment practices and policies to ensure compliance with the law;
- conforming the Standard Operating Procedures (SOPs) of municipal police departments to federal and state law (e.g., drone usage, social media, use of force, pursuits, car/body cameras)
- updating job descriptions to ensure they satisfy the standards of the Americans with Disabilities Act (ADA) and that all jobs are properly classified as exempt or non-exempt pursuant to the Fair Labor Standards Act (FLSA);
- counseling local governments on employee performance and misconduct issues to ensure discipline complies with the law and withstands the grievance process;
- representing local agencies before grievance arbitrators and civil service commissions;
- representing local agencies before the Pennsylvania Human Relations Commission and the Equal Employment Opportunity Commission (as well as in state and federal courts) on all types of employment discrimination, harassment and retaliation claims;
- defending public employers from unfair labor practice charges filed with the Pennsylvania Labor Relations Board;
- counseling public employers on questions related to employee disabilities, including requests for accommodation, the duty to engage in an interactive process, and FMLA leaves;
- counseling public employers on their rights and responsibilities under the Heart and Lung Act;
- conducting workplace investigations to address claims of employee misconduct involving uniformed and non-uniformed employees;
- counseling local governments on pension-related matters.
- Defending public employers in litigation, including federal civil rights and employment discrimination claims; and
- Police Department management, inclusive of the development and enforcement of Standard Operating Procedures.

The Firm's Employment Practice Group regularly advises local government on issues unique to public employers. Its attorneys have an accomplished record of defending the interests of local government in: collective bargaining, grievance arbitrations, unfair labor practices, EEOC and PHRC proceedings, mediations and federal and state court trials. The Firm advocates a proactive approach to managing risk through implementation of effective employment policies and workplace training.

Eric M. Brown will serve as the Township Labor Attorney, and will primarily be responsible for grievance and collective bargaining matters, employee relations, policies and procedures. Christopher P. Gerber will address specific matters involving employee discipline and discharge, workplace investigation, and police department management. Sheryl L. Brown will litigate matters as necessary.

a. **Eric M. Brown** practices in the areas of municipal law, labor and employment law, civil rights, public official and police liability and has recently been recognized as a *2018 Top Attorney by Main Line Today*. Mr. Brown serves as solicitor and labor counsel for a number of municipalities throughout the Commonwealth of Pennsylvania. In his role as labor counsel, Mr. Brown provides advice and representation on collective bargaining, including Act 111 interest arbitrations, unfair labor practice charges, and grievance arbitrations. Mr. Brown also advises municipalities on personnel management issues, including employee policies, employee investigations and discipline, and claims of harassment, discrimination, and retaliation. As a member of the Firm's litigation team, Mr. Brown defends municipalities in federal lawsuits, including constitutional rights claims brought under Section 1983, as well as lawsuits brought in state court, including claims involving Borough Code, the Police Tenure Act and the Political Subdivision Tort Claims Act.

b. **Christopher P. Gerber** advises public employers and municipal police departments involved in labor and employment matters and civil rights litigation before all levels of the federal and state court system. He serves as Labor Counsel to a number of Pennsylvania municipalities in connection with police management and internal affairs investigations, personnel policy reviews, claims of unlawful discrimination, contract disputes, and other issues that arise in the municipal workplace. In his role as a litigator, Mr. Gerber has successfully defended municipalities and their elected officials in federal and state courts as well as before the Equal Employment Opportunity Commission and Pennsylvania Human Relations Commission.

Mr. Gerber has been recognized as a "Rising Star" by Super Lawyers magazine. He has presented educational seminars to a variety of audiences, including the Pennsylvania Bar Institute, the Pennsylvania State Association of Boroughs, the Police Chiefs Association of Montgomery County, the Chester County Department of Emergency Services, Pennsylvania State Association of Township Supervisors ("PSATS") and the Pennsylvania State Association of Boroughs ("PSAB"), insurance carriers, municipal solicitors, and a statewide legal education programs.



c. **Sheryl L. Brown** concentrates her practice in the areas of civil rights, labor and employment law and public official and police liability. In addition to successfully representing municipalities and their officials for the past 28 years in federal and state courts and administrative proceedings, she serves as special counsel for Pennsylvania municipalities in connection with police management and internal affairs investigations, personnel policy reviews, and claims of unlawful discrimination. Additionally she counsels local municipalities and provides educational training to Townships, Boroughs and their administrative branches. Ms. Brown's litigation experience extends throughout the Commonwealth of Pennsylvania in both State and Federal Courts. She is admitted to all Federal Courts in Pennsylvania, the Third Circuit Court of Appeals and the United States Supreme Court. Her practice also includes the representation of employers in the EEOC, PHRC and Pennsylvania Labor Relations Board.

Resumes are attached.

The partners will be assisted by an experienced team of associates who provide support to the primary attorneys.

**Carolyn N. Flynn** practices in the areas of labor and employment law, civil rights law, and public official and police liability. Mrs. Flynn represents municipalities and employers on various employment matters including review of employee policies, employee discipline, and harassment, discrimination, retaliation and whistleblower claims. Mrs. Flynn defends municipalities in federal and state lawsuits, including constitutional rights claims brought pursuant to Section 1983 of the Civil Rights Act. Prior to joining the Firm, Mrs. Flynn was an Assistant District Attorney with the Philadelphia District Attorney's Office for eight years, prosecuting primarily sexual assault and homicide cases. Most recently, she was a litigation associate with a Connecticut law firm that focused on employment and personal injury matters. She was named a Super Lawyers Rising Star in Connecticut in Employment and Labor from 2015- 2017. Mrs. Flynn is a member of the Pennsylvania and Chester County Bar Associations.

**Brian C. Conley** is originally from Pittsburgh, PA, but now calls Berwyn, PA home. Mr. Conley is a 2011 graduate of the Villanova University School of Law. He earned a Bachelor of Arts degree in Political Science from Boston College in 2005. Mr. Conley is admitted to practice in Pennsylvania and New Jersey, the Third Circuit Court of Appeals, and the United States District Courts for the Eastern and Middle Districts of Pennsylvania. Mr. Conley focuses his practice on representing municipalities, public officials and corporations in the areas of employment and civil rights defense litigation and labor law. Mr. Conley has successfully defended clients before various state and federal administrative agencies and courts, including appeals in the Third Circuit Court of Appeals and Pennsylvania Commonwealth Court. Prior to joining the firm, Mr. Conley was formerly associated with a Montgomery County law firm practicing civil defense litigation with a focus on property and casualty insurance defense, bad faith liability and insurance coverage analysis.

**Greg Hennessey** is a native of Harrisburg and currently residents in Delaware County. He earned a Bachelor of Science in Business Administration from the University of Pittsburgh and is a 2016 graduate of the University of Baltimore School of Law. While completing his degrees he participated on the Labor and Employment Mock Trial Team. Mr. Hennessey has worked as defense counsel in personal injury, premises liability and insurance related matters. He focuses his practice in employment, labor and civil rights cases.

c. **Siana Bellwoar** is a full-service law firm that employs an experienced team of municipal attorneys. Our legal team possesses an accomplished record of counseling and representing local governments and public officials throughout the Commonwealth on all legal issues confronting local government and, in particular, civil rights, employment and labor related matters. Our attorneys represent municipalities in the capacity as Solicitor, Labor Counsel and/or Special Counsel, as well as in the capacity as insurance defense counsel. Through these same attorneys, the Firm offers its full resources to provide knowledgeable, comprehensive and cost-effective representation to Abington Township as Labor Counsel.

We have been on the forefront of municipal representation and offer the Township a wealth of experience in the fields of civil rights, employment and labor law. The diversity of the Firm's practice – both in terms of the breadth of the fields of law practiced by the Firm as well as the expansive geographic coverage that the Firm provides throughout the Commonwealth - has exposed the Firm to a wide array of issues that affect local government, through which the Firm's attorneys have developed an expertise in overcoming the challenges that arise in these fields of law.

The Firm has a strong track record of attaining the bargaining goals of its public employer clientele without having to resort to costly and uncertain interest arbitration. For example, over the last five years, we have successfully negotiated: (a) freezes to the base wages of police officers; (b) limitations to post-retirement health insurance benefits to reduce exposure to the employer; (c) contributions toward the cost of health insurance premiums; (d) contributions toward the cost of pension plans; and (e) in the case of one recent client, improved contract language to expand the managerial rights of public employers. We have assisted clients in successfully rejecting demands frequently made by public sector unions, including enhancements to their pension plans, deferred option retirement plans ("DROP"), and post-retirement health care benefits.

The Firm's attorneys have represented municipalities at all levels of the judicial system including: the United States Supreme Court, the Third Circuit Court of Appeals; United States District Courts for the Eastern, Middle and Western Districts; the Pennsylvania Supreme Court; the Pennsylvania Commonwealth Court; the Courts of Common Pleas of more than a dozen counties in Pennsylvania, including Montgomery County; the Pennsylvania Labor Relations Board; numerous grievance arbitrators; the United States Equal Employment Opportunity Commission; and the Pennsylvania Human Relations Commission. The attorneys in our Employment Law Group have

established credibility among federal and state judges as well as the investigators assigned by the Equal Employment Opportunity Commission and Pennsylvania Human Relations Commission.

As insurance defense counsel to the largest municipal liability pool in the Commonwealth of Pennsylvania, the experience of the Firm's attorneys in defending municipalities and their officials and employees from civil rights and employment discrimination claims is unmatched. As a result of this experience, the Firm is well-positioned to advise Abington Township on the adoption of effective policies and procedures to limit exposure from civil rights claims. If and when a claim is filed against the Township, the Firm is equally well-positioned to defend the claim or to assist the legal counsel assigned by the Township's insurance company to insure that the claim is aggressively and prudently defended. The Firm has successfully defended employment discrimination claims (race, gender, age and disability), Whistleblower claims, First Amendment free speech and retaliation claims, Fourth Amendment false arrest and excessive force claims, Fourteenth Amendment due process and liberty interest claims.

- d. There are no conflicts to representation of Abington Township.
- e. None.
- f. None.
- g. A copy of the Firm's insurance certificate is attached.

#### **4. Specialized Legal Services Competence**

The Firm has a proven track record of providing timely, successful labor and employment counsel to municipalities. Eric Brown regularly assists municipalities to negotiate collective bargaining agreements in both the Act 111 (police and fire) and Act 195 (non-uniform) context.

The Firm begins the bargaining process by collaborating with the Board and Township staff to identify the goals of the Township. Eric will then produce a plan of action to engage the collective bargaining unit. The Firm is well-suited to provide the degree of legal assistance desired by the Township once negotiations begin either by representing the Township at the bargaining table or by offering advice and guidance to the Township Manager and/or Board of Commissioners behind the scenes. The Firm also has experience in representing townships at interest arbitration. Specifically, the goals of clients in the recent past have included successfully: (a) limiting post-retirement health insurance benefits; (b) defeating union requests to expand pension benefits, longevity benefits and educational reimbursements and bonuses; (c) implementing a Heart and Lung Act claims administration policy to protect the township's legal interests; (d) capping and/or reducing the ability of officers to accrue unused sick leave; (e) implementing and enforcing compensatory time policies; (f) implementing and/or

increasing health insurance contribution requirements to more equitably share in the cost of health insurance; and (g) obtaining concessions from the union deemed sufficient by a client to avoid a reduction-in-force.

Christopher Gerber, Esquire has a record of successfully representing law enforcement and municipal officials involved in civil rights and employment-related litigation in state and federal courts and before administrative agencies throughout the Commonwealth of Pennsylvania. Mr. Gerber serves as a featured speaker on behalf of the Police Chiefs Association of Montgomery County, the Chester County Department of Emergency Services, Pennsylvania State Association of Township Supervisors (“PSATS”) and the Pennsylvania State Association of Boroughs (“PSAB”) for whom he lectures on a myriad of issues that impact local police department management and liability. Mr. Gerber advises Chiefs of Police and municipal officials on best practices in police department management and drafts police standard operating procedures.

The Firm has had great success litigation matters in both the state and federal courts. Sheryl Brown has 28 years of experience defending employers in wrongful termination lawsuits; due process claims; discrimination; harassment; retaliation; first amendment violations; whistleblower actions and any other miscellaneous issues that may face an employer today. In addition to defending employers in the state and federal courts, Ms. Brown is well versed in defending employers in the PHRC, EEOC and the Pennsylvania Labor Relations Board.

The foregoing experience affords the Firm an opportunity to offer risk management strategies to its clients. The goal of these strategies is to mitigate your risk of employment-related lawsuits and disputes by performing Personnel Policy Manual Audits & In-Service Training of Staff.

## **5. Capability**

a. The Firm understands the need for responsiveness of the Township’s professionals. We approach each matter as a team, so that if the primary attorney is not available to answer an immediate questions (for instance, he or she is in court), there is a second attorney who is fully up-to-speed and able to respond with advice. We pride ourselves on being available to the client at all times. You will have our cell phone numbers. As litigators, we know how to respond substantively on short notice, and under deadlines.

b. With a successful history of working with insurance companies, the members of the Firm are trained to communicate regularly and effectively with clients. We have established protocols with present clients for monthly status reports. Additionally, when executive sessions are warranted, we routinely provide a Memorandum to the governing body and manager beforehand, to set forth the issues and provide guidance as to possible actions, thus giving the elected officials time to consider

their options. We provide not only the case law and rules, but also counsel clients as to the ramifications of the possible paths to take.

## **6. Project Management**

We have found that the most effective means of managing the work load is to appoint one attorney who is then responsible to communicate with the Township, and then make sure a given assignment is directed to the right person(s) within the Firm. In this way, the Township has all the resources of the Firm available to it, but the Township has one responsible partner to the Township for managing all matters. Here, we propose that Eric Brown serve as the primary contact. Eric will coordinate internal assignments within the Firm, when appropriate, to ensure that all assignment are placed with a lawyer in the Firm who has experience in the particular area involved or who is in a position to perform the work in a more cost-effective manner. In assigning work within the Firm in this manner, we strive to achieve the most efficient mix of seniority and expertise, with the goal of providing successful, effective representation to you on an economical and cost-efficient basis.

The Firm has its roots in litigation, so we understand the need to set and comply with deadlines. Our 16 attorneys are well-versed in working in a coordinated effort to produce the best product for our clients. Our well-trained associates assist in the preparation of required documents, and all work-product is reviewed by a supervising partner before it is sent out.

## 7. Client List

Allen Township  
Amity Township ZHB\*\*  
Berwick Township Joint Sewer  
Berwyn Fire Company  
Bristol Borough  
Butler Township  
Caernarvon Township\*  
California Borough  
Catawissa Borough  
Coaldale Borough  
Danville Borough  
Douglass Township  
East Brandywine Zoning Hearing  
Board\*\*  
East Fallowfield Township\*  
East Pikeland Township  
Gordon Borough  
Hulmeville Borough  
Kennett Square Borough\*  
Leighton Borough  
Lower Frederick Township  
Lower Heidelberg Township\*  
Lower Moreland Township  
Lower Pottsgrove Township  
Modena Borough ZHB\*\*  
Montrose Municipal Authority  
Morrisville Borough  
Narberth Borough Civil Service  
Commission  
Nescopeck Borough  
New Hanover Township\*  
New Hanover Township Authority\*\*  
New Philadelphia Borough  
Northern Berks Regional Police  
Commission  
North Wales Borough  
Phoenixville Area School District  
Phoenixville Borough Fire Department  
Phoenixville Zoning Hearing Board\*\*  
Radnor Fire Company  
Ringtown Borough  
Royersford Borough  
Rush Township  
Sadsbury Township  
Schuylkill Township PC\*\*  
South Coatesville Borough  
South Coventry Township ZHB\*\*  
Telford Borough  
Upper Pottsgrove Township  
Uwchlan Township  
Walker Township (Schuylkill)  
Wallace Township\*  
Wallace Twp Municipal Authority\*\*  
Warwick Township\*  
West Brandywine Township\*  
West Caln Township  
West Fallowfield Township\*  
West Reading Borough  
West Sadsbury Township  
Wyomissing Civil Service Commission

*\* SB is Solicitor and Labor Counsel;  
\*\*SB is Solicitor only;  
Otherwise, SB is Labor Counsel only*

## References

<p>Jamie Gwynn Township Manager New Hanover Township 2943 North Charlotte Road Gilbertsville, PA Phone: 610-323-1009</p>	<p>The Firm presently serves as Solicitor for the Township and the Authority, responsible for labor and employment matters for both entities.</p>
<p>Gary Steinruck Borough Council Member Catawissa Borough 307 Main Street Catawissa, PA 17820 Phone: 570-356-2561 Cell: 570-764-0363</p>	<p>The Firm presently serves as Labor Counsel, including collective bargaining (Act 111 and non-uniform employees).</p>
<p>Mark Fournier Manager Telford Borough 122 Penn Avenue Telford, PA 18969 Phone: 215-723-5000</p>	<p>The Firm presently serves as Labor Counsel on all employment matters, and has successfully defended the Borough in civil rights litigation.</p>
<p>Cheryl Johnson Chair, Board of Supervisors Lower Heidelberg Township 720 Brownsville Road Sinking Spring, PA 19608 (610) 678.3393</p>	<p>Presently serves Lower Heidelberg Township as Solicitor and Labor Counsel responsible for all employment matters, including collective bargaining.</p>
<p>Dale Barnett Township Manager West Brandywine Township 198 Lafayette Road Coatesville, PA 19320 (610) 380-8200</p>	<p>Presently serves as West Brandywine Township Solicitor and Labor Counsel on all employment matters, including Act 111 collective bargaining.</p>

*Additional references available upon request.*



c. There are no Firm clients that could cause a conflict with the Firm's responsibilities as Labor Attorney for Abington Township.

## **CHRISTOPHER P. GERBER**

### ***SIANA BELLWOAR***

941 Pottstown Pike, Suite 200  
Chester Springs, PA 19425  
(610) 321-5500

#### **WORK EXPERIENCE:**

**Siana, Bellwoar & McAndrew, LLP**, Chester Springs, PA  
(1998 through present)

*Partner*

Presently represents municipalities, private employers and individuals in civil rights and employment-related litigation in state and federal court at trial and appellate levels; represents employers before the Pennsylvania Human Relations Commission, Equal Opportunity Commissions and American Arbitration Association.

**Holsten & Associates**, Media, PA  
(1996 through 1998)

*Associate Attorney*

Represented municipalities in tort, civil rights and workers' compensation actions in both state and federal court; represented Upper Darby Township's Solicitor's Office in Summary Appeals.

**District Attorney's Office**, Media, PA  
(1994 through 1996)

*Legal Intern*

Certified by the Supreme Court of Pennsylvania to represent the Commonwealth at preliminary hearings while attending law school; drafted briefs for appellate division; assisted in juvenile trials; represented the Commonwealth in summary appeals.

#### **EDUCATION:**

**Widener University School of Law**  
Wilmington, DE  
Juris Doctor, May 1995

**The Pennsylvania State University**

University Park, Pennsylvania

B.A., Political Science, 1991

*Activities:* Resident Assistant (1998-1991), Student Member of the University Disciplinary Hearing Board (1990-1991)

#### **ADMITTED:**

U.S. District Court, Eastern District of Pennsylvania  
U.S. District Court, Middle District of Pennsylvania  
Third Circuit Court of Appeals  
Pennsylvania Supreme Court  
New Jersey Supreme Court

**SHERYL L. BROWN**  
***SIANA BELLWOAR***  
941 Pottstown Pike, Suite 200  
Chester Springs, PA 19425  
(610) 321-5500

**WORK EXPERIENCE:**

**Siana, Bellwoar & McAndrew, LLP**, Chester Springs, PA  
(2013 through present)

*Partner*

Sherry focuses her practice in the areas of civil rights, employment related litigation, governmental liability, and commercial litigation. Sherry works within the Firm's Civil Rights and Employment litigation department and brings substantial trial experience.

**Deasey, Mahoney & Valentini, Ltd.**, Philadelphia, PA  
(2007-2013)

**Montgomery McCracken Walker & Rhoads**, Philadelphia, PA  
(1999-2007)

**EDUCATION:**

**Delaware Law School of Widener University**  
Wilmington, Delaware  
Juris Doctor, 1990

**Marywood University**  
BA, 1987

**ADMITTED:**

United States Supreme Court  
Pennsylvania Supreme Court  
U.S. Court of Appeals for the Third Circuit  
U.S. District Court, Eastern District of Pennsylvania  
U.S. District Court, Middle District of Pennsylvania  
U.S. District Court, Western District of Pennsylvania  
District Court of New Jersey  
New Jersey Supreme Court

**COMMUNITY SERVICE:**

Past President of the Guy G. DeFuria Inn of Court  
Member of the Alternative Dispute Resolution Committee of the Delaware County Bar Association as a settlement facilitator  
Volunteered for six (6) years as a member of the Delaware County Women's Commission, where she also served as President.

**MEMBERSHIPS:**

American Bar Association, Chester County Bar Association, Delaware County Bar Association

**ERIC M. BROWN**  
***SIANA BELLWOAR***  
941 Pottstown Pike, Suite 200  
Chester Springs, PA 19425  
(610) 321-5500

**WORK EXPERIENCE:**

**Siana, Bellwoar & McAndrew, LLP**, Chester Springs, PA  
(2005 through present)

*Partner*

Practice focuses on representing public and private sector clients in litigation and transactional matters. Mr. Brown's practice focuses on municipal and school law, employment and labor law, civil rights, land use/zoning, and governmental affairs. Mr. Brown represents a number of municipal governments as Solicitor and Labor Counsel.

**EDUCATION:**

**Widener University School of Law**  
Wilmington, Delaware  
Juris Doctor, 2006

**Villanova University**  
BS, Secondary Education, concentrated in Social Studies, 2000

**ADMITTED:**

United States Supreme Court  
Pennsylvania Supreme Court  
U.S. Court of Appeals for the Third Circuit  
U.S. District Court, Eastern District of Pennsylvania  
U.S. District Court, Middle District of Pennsylvania  
U.S. District Court, Western District of Pennsylvania

**COMMUNITY SERVICE:**

**Board of School Directors, Coatesville Area School District**  
(1999 through 2007)

**Rotary Club of Coatesville**, District 7450  
(2005 through present)

**MEMBERSHIPS:**

Pennsylvania Bar Association, Chester County Bar Association,  
Pennsylvania State Association of Township Solicitors

**2019 Fee Proposal**

**Option A.** The Firm is willing to enter into a monthly retainer agreement with the Township to provide counsel and guidance on all Labor and Employment matters, in the form of calls from the Township and consultations with Township Manager, staff and the Board of Commissioners, at the rate of \$20,000 per month. (Since the Firm does not know the number of or the scope of the Township’s existing labor and employment matters, this number is necessarily high. The Firm is open to a discussion on this issue.) Other activities such as document creation and review, and all litigation, will be billed at the hourly rates set forth below.

**Option B.** The Firm has no retainer requirement for its municipal clients that we bill on an hourly basis. The Firm bills its municipal clients at a rate reduced from our customary rate because we recognize the importance of the services provided by municipalities to their constituents. The Firm invoices its municipal clients each month in which there is any significant activity. We provide detailed entries for each activity, and itemization of all costs. The following chart sets forth the customary attorney rates and proposed rates for Abington Township for 2019.

Attorney	Customary Rate	Rate for Abington Township
Christopher P. Gerber	\$375.00	\$245.00
Sheryl L. Brown	\$375.00	\$245.00
Eric M. Brown	\$325.00	\$245.00
Carolyn N. Flynn	\$275.00	\$220.00
Brian C. Conley	\$220.00	\$205.00
Greg Hennessey	\$180.00	\$175.00

Unless otherwise arranged, the Firm will bill the Township on a monthly basis for our fees and disbursements for our unbilled time plus disbursements at the end of the preceding month.

Our statements will contain reasonably detailed descriptions of the services rendered and the identity of the attorney rendering the services. The Firm's attorneys bill their time in increments of one-tenth of one hour, with a minimum first increment of two-tenths of one hour. Our services will also include a charge for all out-of-pocket expenses, such as those incurred in connection with long distance telephone calls, travel (mileage and tolls), facsimiles and computer research.

The terms for payment of these statements will be thirty (30) days after the date of such statement. Please contact Mr. Brown if you ever have any comments or questions at all with respect to the statements that we send to you so that we can resolve any questions which you might have.



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Eric M. Brown, Esquire