

The stated meeting of the Administrative Code and Land Use Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, January 31, 2018 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

**CALL TO ORDER:** 7:29 p.m.

**ROLL CALL:** Present: Commissioners SANCHEZ, BRODSKY, GILLESPIE, HECKER, THOMPSON

Township Manager MANFREDI  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE  
Assistant Legal Counsel GALLAGHER  
Community Director STROTHER

Also Present: Commissioners LUKER, KLINE, SPIEGELMAN, BOWMAN, SCHREIBER, DiPLACIDO, MYERS, ROTHMAN, ZAPPONE, VAHEY

**ANNOUNCEMENT:**

Commissioner Sanchez announced that the full Board of Commissioners met in Executive Session this evening to discuss matters of personnel and litigation.

**APPROVAL OF MINUTES:**

Commissioner Sanchez made a MOTION, seconded by Commissioner Brodsky to approve the minutes of the December 6, 2017 Code Enforcement and Land Development Committee Meeting.

MOTION was ADOPTED 5-0.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

Consider Ordinance No. 2150 Amending Chapter 162, “Zoning,” at Article XXI – “Use Regulations,” and the use Matrix Appendix Repealing and Replacing Article XXVIII – “Wireless Communications,” and Repealing Ordinances No.’s 1793 and 1800:

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to consider Ordinance No. 2150 Amending Chapter 162, “Zoning,” at Article XXI – “Use Regulations,” and the use Matrix Appendix Repealing and Replacing Article XXVIII – “Wireless Communications,” and Repealing Ordinances No.’s 1793 and 1800.

Commissioner Sanchez called on Ms. Gallagher.

Ms. Gallagher said a public hearing will be held next week on Ordinance No. 2150, which is a comprehensive revision of Township’s telecommunication ordinances that regulates new technology such as distributed antenna systems that are for data purposes and also regulates monopoles; however, monopoles are only permitted by conditional use approval.

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Kline asked for a short synopsis of important changes especially for data systems in the proposed ordinance for comparison purposes to review prior to the hearing.

Ms Gallagher agreed.

Commissioner Rothman questioned whether cell phone companies are required to provide any information regarding antenna systems.

Ms. Gallagher replied FCC requires that cell phone companies provide a wide variety of information when installing technology in the Township and that is included in this ordinance, which complies with all FCC regulations.

Commissioner Sanchez asked for any public comments. There were none.

MOTION was ADOPTED 5-0.

Consider Approval of the Land Development Application submitted by Abington School District for the construction of a number of additions to the Senior High School Building totaling 183,337 square feet:

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to consider Approval of the Land Development Application submitted by Abington School District for the construction of a number of additions to the Senior High School Building totaling 183,337 square feet.

Commissioner Sanchez called on Dr. Amy Sichel, Superintendent of Abington School District.

Dr. Sichel introduced members of the Board of School Directors along with Dr. Jeffrey Fecher, Assistant Superintendent; Tom Snyder, Director of Facilities; Scott Adams, Gilbert Architects; Glenn Harris, Renew Design Group and Andrew Freimuth, Solicitor of Wisler, Pearlstine, LLP, who were present this evening.

In the 2012-2013 school year; we began to see a steady increase in the number of students, and as of October 2017, we have 8,159 students. Three enrollment studies were conducted that showed that Abington School District will continue to grow in the future with another possible 750 children.

So we looked at options and presented to the School Board a comprehensive grades 9-12 high school; grades 6-8 junior high school and grades K-5 elementary school, so that every child would have the opportunity to go to a newly renovated high school. The School Board approved to realign grade structure to K-5; 6-8 and 9-12 and we would like to construct a large classroom wing to accommodate grade 9; extensive renovations and alternations are proposed for part of the facility built in 1956 and we will focus on the STEAM (Science, Technology, Engineering, Arts and Math) department and this would provide the ability to change the junior high school for grades 6-8.

This presentation has been made to the Board of School Directors; the Township's Planning Commission, and to-date, there has been 17 public meetings where there has been excellent feedback from the community.

Mr. Snyder gave a power point presentation showing Abington School District's vision; strategic objectives; pathways to college and career; high school project milestones; proposed additions/renovations throughout Abington High School; site plan for proposed additions; overall first and second floor plans; new site plan; grading and drainage plan; landscape plan; addition elevation from the intersection of Highland Avenue and Ghost Road; addition elevation from Canterbury Road; Ghost Road Entrance; High School Drive and Canterbury Road and Zoning Compliance Data.

Timeline for Abington Senior High School additions and renovations project design schedule:

- Contract Award – November 2016
- Schematic Design – February 2017-April 2017
- Design Development – May 2017-November 2017
- Construction Documents – September 2017-February 2018
- Bidding April 2018-August 2018
- Construction – July 2018-August 2022

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Thompson asked about additional parking.

Mr. Snyder replied required parking is 871 spaces and currently there are 1,004 spaces onsite for students and employees. There are also parking spaces at the junior high school that is never full during the daytime. We will expand at the top of Ghost Road, a chevron for additional bus parking.

Commissioner Hecker referring to the Montgomery County Planning Commission's recommendations; what about crosswalks on Tyler Road and "Stop" signs planned for Canterbury Road?

Mr. Snyder replied currently there are two painted crosswalks on Highland Avenue and Canterbury and there is a crossing guard posted at Canterbury Road every day and while students are embarking on campus site from 7:15 a.m. to 8:15 a.m. and from 2:15 p.m. to 3:15 p.m. posted on Highland Avenue is a 15 MPH speed limit as well as Susquehanna Road. There is a turn lane that stops at Canterbury Road and striping will indicate that and no improvements are proposed for Tyler Road.

Commissioner Hecker asked about the partnership with Tookany, Tacony Frankford Watershed and extending those activities on the property of the high school.

Mr. Snyder replied we partnered on a grant for rain gardens and we are always working with reps of Tookany, Tacony Frankford Watershed on how to improve to stormwater management.

Commissioner Sanchez commented that he would also like to see a crosswalk on Tyler Road.

Mr. Snyder said that could be done, not through this project, but through our facilities department possibly by next school year.

Commissioner Spiegelman also expressed interest in seeing a crosswalk at Tyler Road. Upgrades are coming to Canterbury Road in particular the integration of an “All-way Stop” sign and additional street lighting on Canterbury side and we look forward to working with the School District on integrating those changes.

Also, as a result of this project, residents of Ward 11 asked for reassurance that there will be no additional water coming down Highland Avenue and possibly less and he is excited to see in addition to the basins but also a rain garden.

Commissioner Kline clarified that the retaining wall is fairly close to the edge of the road as there is a guardrail. Is that correct?

Mr. Snyder replied yes.

Commissioner Kline said the applicant has been in contact with Fire Marshal’s Office in regards to weight of the fire trucks and structure of the retaining wall. Is that correct?

Mr. Snyder replied the roadway and retaining wall are designed for 30 tons.

Commissioner Kline asked about the location of the fields.

Dr. Sichel replied it is a tentative at this time, but we are working with a landscape architect.

Mr. Snyder added that the band practice field will be moved to the football practice field adjacent to the employees’ lot. We have engaged with a firm that specializes in athletic fields that will assess all fields and make recommendations.

Commissioner Kline clarified that a landscape plan has been submitted with this project by the applicant. Is that correct?

Mr. Harris replied a landscape plan has been submitted that includes tree protection.

Commissioner Sanchez asked about the reduced amount of stormwater runoff from the site.

Mr. Harris replied we initially submitted plans believing we were in release rate district “A” for the watershed that requires pre-to-post where it is equal; however, Township staff review letters indicated that we are in release rate district “B” in that the stormwater is controlled, so that it is released one storm level back, which means in post-condition, the two-year storm has to be released at a rate greater than the one-year storm; the five-year no greater than the two; 10-year no greater than the five, etc. So we will take everything back an entire storm level to reduce the stormwater and comply with Township ordinance.

Commissioner Sanchez asked for further information on the alternate plan.

Dr. Sichel replied we are doing extensive renovations on the first and second floors and the lower level plan, which is called the “basement,” that has windows, doors and access, and has not been renovated since 1956. The black box theater is a large space with a small stage where there would be portable furniture for small one-act plays, etc.

There is an area where we would like to use for robotics and virtual reality labs, but if those components cannot be used in that area, they will be put in the science and technology wing. The maker-space incubator is more of a large space to make and create things such as robotics or to use woodshop or metal-shop materials. The TV studio would be placed on the second floor. Pricing will determine whether these renovations will be done.

Commissioner Kline questioned whether Ghost Road is a dedicated road.

Mr. Snyder replied that is a private road maintained by the School District.

Commissioner Sanchez asked for any public comments.

Cakky Evans, 1132 Lindsay Lane, member of the EAC, commented that 2007 Comprehensive Plan says, “That all new buildings in the Township should be LEED certified,” and the EAC recommends this plan and the EAC would like to partner with the School District because we may be able to help with some funding and we also have some funds available.

Lora Lehmann, 1431 Bryant Lane, commented that it looks like a lovely plan, but she feels it is “unbelievably expensive and how long people will be paying for it?” Also, she asked about compliance of green space requirement.

Philomena DeLancy, 812 Monroe Avenue, requested that the School District prepare the elementary grade children for the change in grade structure, and she is in favor of the plan.

Mr. Snyder said maximum requirement building coverage for the site is 25% and the plan is 9.27%, so we are well under maximum requirement for building coverage, which leads to open space, green space, etc.

Commissioner Thompson questioned whether the School District is pursuing LEED certification for this project.

Dr. Sichel replied this building is being built for and towards LEED Silver features, if not above it, but we are not pursuing LEED certification as it is very expensive and would change a lot of the dynamics of the contractors and what they are required to do. Also, LEED certification is only good for one year.

Mr. Adams added many of the elements will be designed to LEED certification, but we will not go through all of the documentation to obtain it.

MOTION was ADOPTED 5-0.

Consider Approval of the First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, Successor by Merger to AT&T Wireless PCS Philadelphia, LLC d/b/a AT& T Wireless Services:

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to consider approval of the First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, Successor by Merger to AT&T Wireless PCS Philadelphia, LLC d/b/a AT& T Wireless Services.

Commissioner Sanchez called on Ms. Gallagher.

Ms. Gallagher said this agreement is ready for execution. Current annual fee paid to the Township is \$20,736.00 and there was negotiation to increase to \$28,000 in the new lease agreement that will stay flat for five years with four (4) successive, five (5) year options to renew, and if it is renewed, it will increase by 15%. Both the licensee and Township have the ability not to renew providing there is 24-months written notice. Also, included in terms of agreement is permission for the Township to negotiate its own contract with proposed co-locator including details should there be any co-location on the tower.

Commissioner Sanchez asked for any comments from Commissioners. There were none.

Commissioner Sanchez asked for any public comments. There were none.

MOTION was ADOPTED 5-0.

Consider Establishing a Policy for Subordinating the Township's Liens on those Properties to Mortgages Held by Banks or Other Lenders:

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to consider establishing a policy for subordinating the Township's liens on those properties to mortgages held by banks or other lenders.

Commissioner Sanchez called on Manager Manfredi.

Manager Manfredi said provided to the Board was a confidential memo from Township Solicitor's Office regarding this matter. It has been determined that the Board never adopted a policy regarding subordination issues in which the Township has been recording liens rather than mortgages, which puts the Township in a negative position with respect to loans. Recommendation is to establish a policy, so that when an individual who is refinancing on a HUD loan, he would have the authority to enter into contract and to establish these as mortgages rather than loans and record them as liens to be in better position with refinancing.

Solicitor Clarke added that these are loans and mortgages and not liens and should be recorded that way, and in doing that, will protect the Township so as not to lose any money and still allow property owners the flexibility with regards to financing.

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Zappone commented Township staff has worked with an individual who is a Veteran and the work done on his home is beautiful and we owe it to the Veterans to help them. He thanked Mr. Strother for working with this gentleman and the finished product was outstanding.

Manager Manfredi clarified that if the Board establishes a policy it would authorize him to execute any agreements more quickly.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, questioned whether municipal liens are paid off first.

Solicitor Clarke replied that is correct. Municipal liens are paid off first; however, these are not liens, they are loans and mortgages and should be recorded as loans and mortgages.

Commissioner Myers clarified that this is money acquired through HUD funding and not acquired through Township taxes. Is that correct?

Mr. Strother replied that is correct.

Commissioner Myers continued that it is only HUD funded money used for the rehabilitation of these homes. Is that correct?

Mr. Strother replied yes.

Manager Manfredi added that if the Board accepts recommendations by Township Solicitor and Township Manager it will cease the practice of recording these as liens and begin the practice of recording as loans. Under the old practice, if anyone defaults even though it is HUD funding and not Township taxpayers' dollars, the Township would lose the ability to help another qualified homeowner.

MOTION was ADOPTED 5-0.

**PUBLIC COMMENT:**

Commissioner Sanchez asked for any general comments relating to matters of Administrative Code and Land Use.

Lora Lehmann, 1431 Bryant Lane, expressed concern that she feels “developers are coming to the Township expecting favors.”

**ADJOURNMENT:** 8:45 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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