

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, March 8, 2018 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: Commissioners MYERS, BRODSKY, ROTHMAN, DiPLACIDO, SANCHEZ, THOMPSON, SCHREIBER, HECKER, SPIEGELMAN, VAHEY, GILLESPIE, ZAPPONE, BOWMAN, KLINE, LUKER

Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Treasurer/Tax Collector BLUMENTHAL

PLEDGE OF ALLEGIANCE

BOARD PRESIDENT ANNOUNCEMENT:

President Luker announced that the Township Board of Commissioners has heard your concerns and complaints regarding the recent power outages that we have experienced here in Abington. Many of our Commissioners worked tirelessly with our Township teams to assure *we did our part* during the power outages and storms. We share your concerns and will be taking the appropriate steps for our residents and taxpayers. While PECO has been in communication with us throughout the event and has taken into consideration our comments regarding the storm restoration efforts, we have asked PECO to have a public forum for their customers, who are our residents and business owners to explain why the response to this storm was, what it was, and to answer any and all questions. PECO has agreed, and will host an Open House for customers in the near future and will provide details when available.

As you may or may not be aware, the Public Utility Commission is the agency that PECO reports to. The Township Board of Commissioners has **no** authority whatsoever to tell PECO how to conduct their business or how and when to restore power to their customers; who are also our residents and taxpayers. You should direct your concerns and complaints to the Pennsylvania Public Utility Commission at www.puc.state.pa.us and Pennsylvania State Senator, Mr. Art Haywood at 215-517-1434 and State Representative Madeline Dean at 215-517-6800.

As President of the Board of Commissioners, I will be meeting with the appropriate Board Committee Chairs, our Township Manager and Township Solicitor to determine the Township's next steps in working to assure the Public Utility Commission and the Senate and House Members of the Consumer Protection and Consumer Affairs Committees that they understand our commitment to our residents on PECO's delivering reliable service to the people of Abington Township.

POLICE DEPARTMENT REPORT:

Police Chief Pat Molloy reported that this past Sunday afternoon, officers responded to a call of a violent domestic involving three stabbing victims and a fourth person with a broken arm and all of this violence occurred in the presence of two children and an infant.

Instead of finding a suspect who would surrender when police arrived, our officers were confronted by a suspect who refused to obey repeated verbal commands and show his hands while a female victim with multiple stabs wounds called out for help lying on the floor below the suspect.

The suspect, who officers believed had a knife, suddenly raised a gun toward them prompting one of the officers to discharge his weapon striking the male. Backup officers immediately rescued the woman and also provided CPR and First Aid to the suspect, but the suspect did not survive and was pronounced dead at the scene. The officer's quick response and decisive actions were no less than heroic as they, without any hesitation or consideration for their own safety, forced entry into the home and saved the lives of innocent victims. While there is never any joy in taking a life, there is a tremendous amount of pride in knowing that without their actions these victims would have been killed.

As Chief of Police he could not be more proud of the level of professionalism and valor that our officers once again displayed. Please keep the victims and their family members including the children who witnessed this horrific and traumatic event in your thoughts and prayers.

PRESENTATIONS:

Swearing In of Fire Marshal John J. Rohrer by Honorable Judge John D. Kessler:

The Honorable Judge John D. Kessler administered the Oath of Office to newly appointed Fire Marshal John J. Rohrer of the Abington Township Fire Department before the Board of Commissioners of the Township of Abington on this 8th day of the March, 2018.

Citation Presentation – Fire Marshal Kenneth J. Clark:

Manager Manfredi read the following Citation to Fire Marshal Kenneth J. Clark into the record and Deputy Fire Chief Keith Maslin accepted the Citation on behalf of recently retired Fire Marshal Kenneth J. Clark who was not present this evening.

Kenneth J. Clark joined the Weldon Fire Company in June 1965 and served as fire company chief for 20 years and continues to serve as the fire company president and firefighter, and;

Ken served the United States Marine Corps from 1966 to 1969 as both an 1141 electrician and a 0311 rifleman; serving in Vietnam as an electrician and additionally was assigned as a base firefighter in Chulai.

Ken joined the Abington Township Police Department in May 1969 as a patrol officer and became detective in 1977. In 1981, Ken established the 1st polygraph unit in the Abington Township Police Department.

On January 31, 1998, Ken retired as a detective from the Abington Police Department with 29 years of service, and on February 1, 1998, Ken entered service as the Fire Marshal for Abington Township serving for 20 dedicated years.

Ken has led the Fire Department through changes bringing the five volunteer fire companies together and leading the department to be the only volunteer fire department in Pennsylvania to receive the Commission on Fire Accreditation International's prestigious accredited status as of March 11, 2014.

Now, therefore be it proclaimed on this 8th day of March 2018, that Ken Clark be remembered for his 49 years of dedicated service to the people of the Township of Abington, his countless achievements were with respect and distinction, and is herewith recognized by this formal expression of gratitude and thanks, by the Township Manager and the Township Board of Commissioners of the Township of Abington.

Swearing In of Fire Chief Michael Ratka Roslyn Fire Company by Honorable Judge John D. Kessler:

Fire Marshal Rohrer introduced Michael Ratka, who has been a firefighter with Roslyn Fire Company for over 31 years. Michael has been serving as a Deputy Chief and he is nationally certified as a Fire Officer, Fire Instructor and Hazmat Firefighter Level II.

The Honorable Judge John D. Kessler administered the Oath of Office to Fire Chief Michael Ratka of the Roslyn Fire Company of Abington Township Fire Department before the Board of Commissioners of the Township of Abington on this 8th day of March, 2018.

Citation Presentation – Chief Dale Jonas, Roslyn Fire Company:

Dave Schramm said tonight, Chief Dale Jonas is being honored for his 10 years of service as Chief of the Roslyn Fire Company. Dale has been a member of the Roslyn Fire Company for over 20 years rising through the leadership ranks and has been involved in all of our successes as a department beginning with accreditation including strategic planning process. Dale will continue to serve with the Roslyn Fire Company as an active member.

Commissioner Schreiber presented Citation to Chief Dale Jonas of the Roslyn Fire Company recognizing that since 2007, Dale has served the Roslyn Fire Company with distinction, commitment and dedicated service. The Board of Commissioners and the entire Township is in grateful appreciation of his years of knowledge, leadership and guidance. She thanked him for all he has selflessly attributed to the safety of his fellow citizens on behalf of the Board of Commissioners of the Township of Abington on this 8th day of March, 2018.

Dave Schramm acknowledged and recognized Dale Jonas, Sr., who was present this evening, and has just completed 60 years of active service to the volunteer Roslyn Fire Company.

Commissioner Gillespie said she cannot thank the members of the Abington Fire Department enough for all they do and the time they put in making sure that we all stay safe.

PUBLIC COMMENT – AGENDA ITEMS:

Lora Lehmann, 1431 Bryant Lane, expressed concern about the new format of Board agenda and “protested the consent agenda because people should hear what is being passed.”

CONSENT AGENDA:

Vice President Kline noted that items listed under Consent Agenda are considered to be routine and non-controversial and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the Board of Commissioners, that item is to be identified by the Board member and will be removed from consent agenda and will be considered separately at the appropriate place on the agenda. Every one of these agenda items was discussed in detail during committee meetings last week.

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve the following items a.-i. as listed on the Consent Agenda.

President Luker asked if any Board member would like to pull any item from Consent Agenda. There were none.

Items a. - i. was as follows:

To approve the minutes of the Board of Commissioners Meeting of February 8, 2018.

To award Glasgow, Inc. bid as lowest responsible bid of Part I and Part II of the Super-Pave bid and enter into contract with Glasgow, Inc. in the amount of \$1,049,120.00 for the purchase and delivery of Super-Pave paving materials as per bid specifications

To award Eureka Stone Quarry Inc. bid as lowest responsible bid of Part III of the Super-Pave bid and enter into contract with Eureka Stone Quarry, Inc. in the amount of 42,125.00 for the purchase and delivery of Super-Pave paving materials as per bid specifications.

To award Commonwealth Precast, Inc. bid as lowest responsible bid and enter into contract with Commonwealth Precast, Inc. in the amount of \$67,160.00 for the purchase and delivery of storm sewer inlets and manhole structures as per bid specifications.

To award Delaware Valley Concrete Co., Inc. bid as lowest responsible bid and enter into a contract with Delaware Valley Concrete Co., Inc. in the amount of \$6,752.00 for the purchase and delivery of Ready Mix Concrete as per bid specifications.

To authorize the President and Township Manager to accept a grant from the North Central Highway Safety Network, Inc. in the amount of \$15,000.00 with the Township's matching portion of \$1,000.00. The Township's match will cover the Social Security cost of the officers working the grant as this expense is not covered by the grant. At the conclusion of the grant, the social security expense will be transferred to Account No. 01-04-044-5110.

To accept a Tree Vitalize "Community Forestry Management" Grant in the amount of \$8,130.00.

Investments: To approve investments for the month of January as previously circulated to the Board. It was noted that investments for the month totaled \$1,300,000.00. Interest rate yields ranged from 1.60% to 1.850%.

Clearing Fund/Deferred Revenue and Expense/Petty Cash: To approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of January as previously circulated to the Board. Clearing fund receipts and disbursements for the month of January 2018 were \$825.87 and (\$84.39), respectively. Deferred Revenue/Expense receipts and disbursements for the month of January 2018 were \$6,490.46 and (\$22,776.01), respectively.

Training and Conference Expenses: To approve the Advance and Travel Expense activity for January 2018 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$3,912.56, respectively. One-month expenses totaled \$3,912.56.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS:

Administrative Code and Land Use Committee:

Item ACL-01-020818:

Commissioner Sanchez made a MOTION, seconded by Commissioner Hecker to adopt 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 Luker called on Ms. Gallagher, Assistant Legal Counsel.

Ms. Gallagher noted there have been significant changes to the ordinance since it was advertised. Comments were received from the MCPC, Comcast and others, so we recommend the following changes to be incorporated into the motion adopting the ordinance, which are as follows:

- Use A-2.D.2. The language was modified to include Non-Tower Based Wireless Communication Facility
- Use A-2.D.6. Micro-Wireless Facility was added as a permitted use in all districts
- The MS-VC district was removed as a permitted district for new towers and monopoles of any diameter
- Definition of Base Station – a typo was corrected (Borough was corrected to read Township)
- A Definition of Micro-wireless Facility was added
- Definition of Monopole was clarified to state that the structure is self-supporting
- Definition of Wireless Support Structure was clarified to include “other structure not classified as a wireless communications facility.”
- Bulk and Area Requirements: maximum height of new towers or monopoles limited to 125 feet; typo corrected in height section of Alternative Tower Structure to clarify that it applies to Alternative Tower Structures; setbacks for new towers and alternative tower structures must be at least 100 feet from residential district or use; setback for DAS facilities no more than 10 feet from the curb line; new towers and alternative tower structures may not be located within ROW
- Section 2804(S). For permitting of new towers, clarification added such that an Application for a WCF shall include a Township-wide coverage map detailing any gaps in coverage or capacity which necessitate the placement of the WCF(s) in the proposed location.
- Section 2807 – setback distance for new towers clarified (100% of tower height)

Commissioner Luker asked for any comments from Commissioners.

Commissioner Rothman asked what is the basis for the requirement of the 100 ft. distance from residential district as opposed to 50 feet or 500 feet?

Ms. Gallagher replied the 100 feet distance requirement is standard when comparing with other municipalities and this was discussed with County Planner. The concern was that if the tower was only 90 feet high, we want to make sure they are farther back from residential given the particular districts they would be placed in.

Commissioner Rothman asked could it be a greater distance?

Ms. Gallagher we would have to look at individual zoning districts where the uses are permitted to see if they would need to be pulled from that particular zoning district, but if a greater distance is desirable by the Board, it would need to be reasonable and not create zoning setbacks that make the use not permitted in the Township.

Commissioner Rothman questioned whether a greater distance could be looked into if there is no rush to adopt it tonight.

Solicitor Clarke replied there is rush due to settlement with Crown Castle.

Commissioner Kline clarified that the MS-VC District has been removed. Is that correct?

Ms. Gallagher replied yes, the MS-VC District has been removed as a permitted district for traditional towers and monopoles of any size.

Commissioner Kline suggested that the Planning Commission should review Township's zoning map in regards to the 100 ft. mark to see whether it would be possible to extend it through the districts.

Commissioner Sanchez made a MOTION to AMEND the MOTION to incorporate changes to Ordinance No. 2150 outlined in memo by Rudolph Clarke, LLC dated, March 8, 2018, seconded by Commissioner Spiegelman.

Commissioner Luker asked for any other comments from Commissioners or staff. There were none.

MOTION as AMENDED – PASSED 15-0.

Commissioner Luker recognized boy scouts from Boy Scout Troop 1, who was present this evening, and working on their citizenship and community merit badge.

Public Affairs Committee:

Item PA-02-030818:

Commissioner Spiegelman made a MOTION, seconded by Commissioner Zappone to accept low bid of \$45,752.50 from Think Green to complete the Ardsley Wildlife Sanctuary Trail Phase I construction project.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Item OTM-030818:

Commissioner Spiegelman made a MOTION, seconded by Commissioner Hecker to approve the “Mutual Release and Settlement Agreement” between the Township of Abington and Crown Castle NG East LLC to resolve the litigation in Federal Court captioned Crown Castle NG East, LLC v. Abington Township, United States District Court for the Eastern District of Pennsylvania, No. 2:17-cv-04169-JP, and furthermore, to grant actual authority to Township Manager Richard J. Manfredi to execute the agreement above-referenced and to sign any and all documentation relative to the same.

Commissioner Luker asked for any comments from Commissioners or staff.

Solicitor Clarke said an email was sent to the Board members outlining the basis by which we are recommending that the Board approve this settlement agreement with Crown Castle. Proposed resolution is a positive for the Township as it requires Crown Castle that for any new towers installed to comply with all Township codes and zoning. Crown Castle is petitioning the Public Utility Commission to be considered a public utility, and if they are granted public utility status, they will be able to place their monopoles in Township’s right-of-way.

Commissioner Kline asked if Crown Castle is granted public utility status, can municipalities challenge it if they choose to.

Solicitor Clarke replied the PUC takes public comment and public input on all matters that come before them.

Commissioner Spiegelman said if the PUC were to grant Crown Castle public utility status, would there be anything that the appropriate Utilities of State Senate, State Legislature to be able to override?

Solicitor Clarke replied limitation would need to come prior to that status being granted because he does not think State Senate or State Legislature would challenge telecommunication companies in their ability to put up more towers to sell more data and Internet usage.

MOTION was ADOPTED 15-0.

NEW BUSINESS:

Public Works Committee:

Item PW-04-030818:

Commissioner Hecker made a MOTION, seconded by Commissioner Kline to award the 2018 Milling Project Bid to James D. Morrissey at \$1.69 per square yard for a total bid of \$582,144.16.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Vahey said he will recuse himself from voting on this item.

MOTION was ADOPTED 14-0.

Administrative Code and Land Use Committee:

Item ACL-01-030818:

Commissioner Sanchez announced that presentation of the land development plan submitted by ABH Builders, Inc. for the vacant property located at 1043 Easton Road, Abington, PA. 19001, has been withdrawn from the agenda at the request of the applicant and it will proceed at a future date.

Item ACL-03-030818:

Commissioner Sanchez made a MOTION, seconded by Commissioner Zappone to adopt Resolution No. 18-016 of the Township of Abington authorizing the approval of letter Amendment E to the reimbursement agreement with the Pennsylvania Department of Transportation to amend the final design costs in accordance with Supplement E to the Engineering Agreement with the Project Engineer, Pennoni Associates, Inc., for the road reconstruction project located along or near State Route 2034 (Edge Hill Road), Section MGI R/W and/or State Route 2036 (Tyson Avenue), Section MGI R/W, Federal Project number X064193-L240, Pennsylvania Department of Transportation Project MPMS-57865.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Item ACL-04-030818:

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to appeal the decision of the Zoning Hearing Board rendered on February 20, 2018 for application number #17-07: The application of Baederwood Residential Partners, LP and approve legal fees up to \$7,000.00 and to have Rudolph Clarke, LLC pursue the appeal on behalf of the Township of Abington.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

Finance Committee:

Approval of Treasurer's Report:

Township Treasurer, Jay W. Blumenthal noted that his report is listed on agenda that is before the Board of Commissioners.

Item FC-02-022018:

Expenditures/Salaries and Wages: Commissioner Kline made a MOTION, seconded by Commissioner Sanchez to approve the January expenditures as previously circulated to the Board in the amount of \$2,126,951.71 and salaries and wages in the amount of \$2,338,046.10 and authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of April 2018.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

Roll Call resulted in motion being passed 15-0.

Item FC-06-022018:

Budget Transfer Authorization-Funding for Legal Fees: Commissioner Kline made a MOTION, seconded by Commissioner Sanchez to appropriate \$90,270.00 from fund balance for legal fees: Baederwood Zoning - \$45,676.50, Crown Castle - \$29,082.00 and O'Neill Consulting - \$15,511.35.

Commissioner Luker asked for any comments from Commissioners or staff. There were none.

MOTION was ADOPTED 15-0.

PUBLIC COMMENT:

Lora Lehmann, 1431 Bryant Lane, expressed concern about the format of the agenda and public speaking rights.

Nancie Lara, 1248 Huntingdon Road, commented that she has not been contacted about the issue of flashing neon lights shining into her home resulting in health issues for her son who is not able to live in his home. Also, she expressed concern about stormwater runoff entering the rear of her home as well as provided pieces of terracotta storm drain piping that comes into her yard, and she feels “stormwater management is not up to NPDES regulations,” and when will it be fixed?

President Luker replied Township officials will get in touch with Ms. Lara tomorrow.

REMARKS OF COMMISSIONERS:

Vice President Kline said it has been a difficult week with two storms and there are five or six areas in his ward that still do not have power, which will be a full week, so hopefully that will be changed as promised by PECO.

He thanked Police Officer Dwyer and Police Officer Kaufman for their patience as two drivers, who ignored the snow emergency, were stuck on Leopard Road in the middle of the storm, and those police officers spent about an hour trying to get those vehicles off of the hill.

Commissioner Zappone thanked Tom McAneney, Emergency Management Coordinator, Chief Molloy and Mr. Angelo Pontelandolfo and his crew for their assistance with serious issues on Tyson Avenue. Also, to all Abington residents, our 6th Annual Breakfast with the Easter Bunny will be held on March 25th at the VFW beginning at 9 a.m. Also, our 6th Annual Designer Bag Bingo event will be held on April 20th at the VFW and doors open at 6 p.m.

Commissioner Gillespie thanked Township staff for taking good care of everything in her ward. Also, “Keep the Parade Running” event that benefits the Greater Glenside Patriotic Association’s 4th of July Parade that is held only by donations will be held on April 14th and register online, and we are always looking for volunteers. She congratulated Fire Marshal John Rohrer in his new position.

Commissioner Vahey commented that he will join Commissioner Gillespie at the run. He thanked Township Manager and Director of Public Works who were incredibly responsive during the past few storms. He sits on the EDC on behalf of the Board of Commissioners and we are announcing Township grants for town and revitalization up to \$4,000 grants awarded to small businesses throughout the Township to help improve the exterior of the building. Applications are posted on Township website under the EDC link as well as it will be incorporated into upcoming newsletter.

Commissioner Spiegelman congratulated incoming Fire Marshal Rohrer and outgoing Fire Marshal Clark; incoming Chief Ratka and outgoing Chief Dale Jonas. Two mega storms back-to-back has been surreal and he thanked Tom McAneney, Emergency Management Coordinator, Mr. Angelo Pontelandolfo and his crew as well as Manager Manfredi and the crew of regional line poles for their assistance. He also thanked all residents for their patience, tolerance and understanding and how well they took care of each other.

Commissioner Hecker shared sentiments of gratitude to Township staff over the past week. He is also grateful for the statement made by President Luker at the outset of tonight's meeting as it captured the frustration of many of us. He still has a number of households off of the grid that hopefully will be back on soon.

Commissioner Schreiber thanked Township staff for doing a good job. She congratulated new Fire Marshal John Rohrer and new Roslyn Fire Chief Ratka. She reminded everyone that on Saturday, March 24th will be the Roslyn Film Festival at the Roslyn Fire House that benefits the Roslyn Fire Company. Doors open at 6:30 p.m.

Also, she reminded everyone that today, March 8th is International Women's Day, which was originally designed to celebrate social, economic, cultural and political achievements of women as historically women's voices have often been silenced. So she wants to take this opportunity to stand with women who have found their voices and found their power and had the courage to say Me Too. Please thank a woman who has made a difference in your life.

Commissioner Myers echoed everyone's statements about the good job that was done during these two storms. This was a rough one for Township staff and our volunteer Fire Department really came through. She thanked Mrs. Romaine Crawford, Manager of the Willow Grove Mall. When the power went out for much of Roslyn and Willow Grove, Romaine answered our call and put up charging stations in the mall. She hopes that we can thank Romaine in a good and special way.

Commissioner Brodsky thanked Township staff and police personnel for all they have done and appreciates all of their hard work and effort during the most recent two storms. However, we still have residents in Ward 2 without power and he is not thrilled with the response from PECO. He echoed Commissioner Schreiber's statements and recognized that today is International Women's Day and encouraged all women to press on for progress and thanked those who for work the Township for their assistance and he appreciates it.

Commissioner Rothman said on this International Women's Day, he thanked the brave women who fight for women's rights as they are an inspiration to him every day. He also thanked his mom for the lessons she taught him.

Also, there will be a Food Truck Festival from 12-4 p.m. event held on Sunday, April 15th at Alverthorpe Park preceded by a run/walk sponsored by Pixie Dust Wishes in memory of Dylan Singer. The mission is to grant Disney trip wishes to individuals with disabilities and special needs throughout Pennsylvania. Info will be posted in his newsletter.

He thanked Township staff for their assistance recently during the storms and we, as a Board, want to look at the response from PECO.

Commissioner DiPlacido thanked Chief Molloy, Deputy Chief Warner and their team for their quick actions and professionalism from all residents of Ward 4, and he thanked them for the work they do and for keeping us all safe.

He thanked Township Manager, Ms. Terry Castorina and Mr. Tom McAneney for keeping us all in the loop about the power outages. He also thanked Mr. Angelo Pontelandolfo and his crew for the great job as well as his neighbors for being so patient these last few days.

Also, "when driving through Abington Township, please drive like your kids live here."

Commissioner Sanchez said ditto on all of the thanks for Township staff for their heroic efforts in the back-to-back storms as well as to all residents for their immense patience.

Commissioner Thompson echoed same sentiments and thanked Angelo Pontelandolfo for his great work. He also thanked and commended the Police Department personnel for their professionalism and the respect they give to the communities.

President Luker thanked everyone in the Township for their outpouring sympathy in the recent passing of his mom and he really appreciates it.

He thanked the Boy Scouts for being here this evening as well as Assistant Legal Counsel Lauren Gallagher for her hard work on the Telecommunications Ordinance Document.

He also thanked Tom McAneney, Township Manager Manfredi, the Police Department and Township staff for their hard work during these recent storms.

Manager Manfredi noted that Tom McAneney, Emergency Management Coordinator, worked nonstop in communications with PECO and Township staff and his efforts was incredible and he thanked him for it.

ADJOURNMENT: 9:00 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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The following ordinance and resolution was passed by the Board of Commissioners on March 8, 2018:

Ordinance No. 2150
Resolution No. 18-016

Approved
4/17/18

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2150

**AN ORDINANCE AMENDING CHAPTER 162, “ZONING,” AT ARTICLE XXI –
“USE REGULATIONS,” AND THE USE MATRIX APPENDIX; REPEALING AND
REPLACING CHAPTER 162 – “ZONING,” AT
ARTICLE XXVIII – “WIRELESS COMMUNICATIONS”;
AND REPEALING ORDINANCES #1793 AND #1800**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code ("Code") at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” should be amended at Article XXI – “Use Regulations,” Section 2103 – “Categories of Permitted Uses,” and at the Use Matrix Appendix; and that Article XXVIII – “Wireless Communications,” should be repealed and replaced, and Ordinances #1793 and #1800 should be repealed in their entirety for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

DAS units or facilities may be placed on any existing utility pole in the Township, provided that the Applicant complies with all standards set forth in Article XXVIII.

2. When a new pole is proposed to be placed in the ROW, the maximum height of the pole may not exceed 45 feet, to a maximum of 50 total feet, including all antennas and associated equipment. New poles may not be placed within 25 feet of an existing utility pole.
3. For purposes of this section, replacement of an existing utility pole with a new pole that is identical to the existing pole in height and diameter for the purposes of placement of DAS units shall be considered placement on an existing pole.
4. Where possible, all accessory equipment shall be pole mounted rather than ground mounted and shall not cause any pedestrian obstructions or sight line interference for vehicular traffic.

Use A-2D.6. Micro-Wireless Facility. A network of Wireless Communications Facilities that are placed or strung on existing cable between existing utility poles in compliance with the National Electrical Safety Code by an entity that holds a franchise to access and occupy the public rights of way.

3. Chapter 162 – “Zoning,” shall be amended at the Use Matrix Appendix, as follows:
 - a. References to Uses A-2d – “Telecommunications Towers,” and A-2F “Roof or Structure Mounted Telecommunications Equipment” shall be deleted.
 - b. Use A-2D.1 – “Tower-Based Wireless Communication Facility,” shall be added, and permitted by conditional use approval in the following Zoning Districts: AO, BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; MS-H; MS-L.
 - c. Use A-2D.2 – “Alternative Tower Structure/Non-Tower Based Wireless Communication Facility,” shall be added and permitted by right in the following Zoning Districts: AO; BC: Lots < 1 acre; BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; MS-H; MS-L; MS-VC; RC.
 - d. Use A-2D.3 – “Monopole with a diameter of less than 10 feet,” shall be added and shall be permitted by conditional use in the following Zoning Districts: AO; BC Lots < 1 Acre; BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; CS; RC; SI=G; SI-W; MS-H; MS-L.
 - e. Use A-2D.4 – “Monopole with a diameter of 10 feet or more,” shall be added and shall be permitted by conditional use approval in the following Zoning Districts: AO, BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon

RESOLUTION 2018- 016

**RESOLUTION OF THE TOWNSHIP OF ABINGTON
AUTHORIZING THE APPROVAL OF LETTER OF AMENDMENT E TO THE
REIMBURSEMENT AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION TO AMEND THE FINAL DESIGN COSTS IN ACCORDANCE
WITH SUPPLEMENT E TO THE ENGINEERING AGREEMENT WITH THE
PROJECT ENGINEER, PENNONI ASSOCIATES, INC., FOR THE ROAD
RECONSTRUCTION PROJECT LOCATED ALONG OR NEAR STATE ROUTE 2034
(EDGE HILL ROAD), SECTION MG1 R/W, AND/OR STATE ROUTE 2036 (TYSON
AVENUE), SECTION MG1 R/W, FEDERAL PROJECT NUMBER X064193-L240,
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION PROJECT MPMS 57865**

WHEREAS, the Township of Abington, Montgomery County, Pennsylvania, is a township of the first class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania (the "Township"); and

WHEREAS, the Township, in the exercise of its lawful powers, intends to make certain roadway and other public improvements along or near State Route 2034 (Edge Hill Road), Section MG1 R/W, and/or State Route 2036 (Tyson Avenue), Section MG1 R/W, for the Edge Hill Road and Tyson Avenue Reconstruction Project, Federal Project Number X064193-L240, Pennsylvania Department of Transportation (the "Department") Project MPMS 57865 (the "Project"); and

WHEREAS, the Department and the Township, under date of January 7, 2005, entered into an agreement designated in the Department's files as Agreement No. 064132 (the "Original Agreement"), in which the Department and the Township agreed to participate in the federally-funded Project; and

WHEREAS, the Department and the Township, under date of September 25, 2007, supplemented the Original Agreement with Supplemental Agreement No. 064132-A ("Supplemental Agreement A"), to provide for additional preliminary engineering design services and the federal-aid funding for those services; and

WHEREAS, the Department and the Township, under date of March 18, 2010, supplemented the Original Agreement with Supplemental Agreement No. 064132-B (“Supplemental Agreement B”), to provide for additional final design services and the federal-aid funding for those services; and

WHEREAS, the Department and the Township, under date of June 12, 2015, supplemented the Original Agreement with Supplemental Agreement No. 064132-C (“Supplemental Agreement C”), to amend the project costs estimate contained in Exhibit “AAA” of Supplemental Agreement B to reflect the current Project costs and the federal-aid funding available for those costs and to update the contract provisions contained in the Original Agreement; and

WHEREAS, the Department and the Township, under date of April 10, 2016 (countersigned by the Department on May 18, 2016), amended the Original Agreement with Letter of Amendment, designated Amendment D and Agreement No. 064132-D (“Letter of Amendment D”), to increase the final design costs for the Project from \$2,082,019.95 to \$2,675,102.38 and to amend the total Project costs from \$4,593,962.68 to \$5,200,135.38 in order to coincide with the amendment of the final design costs for the Project as agreed to by the Township and the Project Engineer, Pennoni Associates, Inc. (“Pennoni”) in Supplement D to the Engineering Agreement for the Project under date of May 9, 2016; and

WHEREAS, the Township and Pennoni agreed, pursuant to Supplement E to the Engineering Agreement for the Project under date of October 4, 2017, to amend the final design costs for the Project from \$2,675,102.38 to \$2,819,961.11 and to amend the total Project costs from \$5,200,135.38 to \$5,344,994.11; and

WHEREAS, the Department and the Township are required, pursuant to Paragraph 11 of Supplemental Agreement C, to enter into a Letter of Amendment to amend the Original Agreement when, among other things, the cost of a phase of the Project has increased; and

WHEREAS, the Department has indicated its willingness to amend the Original Agreement with Letter of Amendment, designated Amendment E and Agreement No. 064132-E (“Letter of Amendment E”), to increase the final design costs for the Project from \$2,675,102.38 to \$2,819,916.11 and to amend the total Project costs from \$5,200,135.38 to \$5,344,994.11 and has requested that the Township sign Letter of Amendment E, which is attached hereto as Exhibit A and incorporated herein by reference.

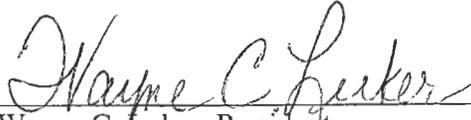
NOW, THEREFORE, BE IT RESOLVED that, the Township hereby approves Letter of Amendment E.

FURTHER RESOLVED, that the proper officers of the Township, along with the Township Manager and Solicitor of the Township, are authorized and directed to take all steps necessary to carry out the purposes of this Resolution including, but not limited to, the signing of Letter of Amendment E which is attached hereto as Exhibit A; the completion, signing or other disposition of any other requisite forms; the satisfaction of any other requirements of the Pennsylvania Department of Transportation for the Project; and

FURTHER RESOLVED, this Resolution shall be effective immediately upon its adoption.

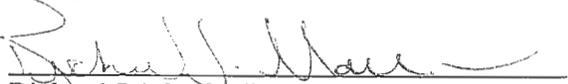
ADOPTED at a regular meeting of the Board of Commissioners of the Township of Abington this 8th day of March, 2018.

TOWNSHIP OF ABINGTON



Wayne C. Luker, President
Board of Commissioners

ATTEST:



Richard J. Manfredi, Secretary