



TOWNSHIP OF ABINGTON

PUBLIC AFFAIRS COMMITTEE

A G E N D A
January 31, 2018
7:00 P.M.

1. CALL TO ORDER

2. CONSIDER/APPROVAL OF MINUTES

- a. Motion to approve the minutes of the December 6, 2017 Public Affairs Committee Meeting.

3. PRESENTATION

4. UNFINISHED BUSINESS

5. NEW BUSINESS

a. *PUBLIC AFFAIRS* *COMMISSIONER JOHN SPIEGELMAN, CHAIR*

- | | |
|---------------------|--|
| PA-01-020818 | Consider the Transfer of Crosswicks Deed from the Audubon Society to Abington. |
| PA-02-020818 | Consider Resolution No. 18-013 Prohibiting the Location of a Category 4 Licensed Facility within the Township. |
| PA-03-020818 | Consider Repealing or Amending Chapter 125, Real Estate Registry, of the Township's Code of Ordinances, that Requires Property Owners to Register any Deed with the Township Following the Deed's Recording with the County Recorder of Deeds, and Imposes a Fee for Such Registrations? |
| PA-04-020818 | Consider Establishing a Policy Authorizing the Township Manager and Township Solicitor to Approve Settling County Assessment Appeals Negotiated by the Abington School District and Setting a Dollar Amount that Requires the Board of Commissioner Approval. |

6. PUBLIC COMMENT

7. ADJOURNMENT



PUBLIC AFFAIRS COMMITTEE

AGENDA ITEM

February 8, 2018

DATE

Parks and Recreation

DEPARTMENT

PA-01-020818

AGENDA ITEM NUMBER

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Consider the Transfer of Crosswicks Deed from the Audubon Society to Abington Township

EXECUTIVE SUMMARY:

This thirteen acre property will be added to the Township's open space and will remain undeveloped and be used as a sanctuary for birds and other wildlife. The National Audubon Society, which owns the Crosswicks Sanctuary in Abington Township, approved the transfer of the sanctuary to the Township while maintaining its use as a wildlife sanctuary in accordance with existing deed restrictions.

Certain wording within the deed is being reviewed by legal counsel from both parties, once wording is acceptable to each party the deed transfer will be ready for sign off.

PREVIOUS BOARD ACTIONS:

None

RECOMMENDED BOARD ACTION:

Recommend approval of accepting 13 acres from the Audubon Society to Abington Township to be maintained as a undeveloped bird sanctuary.

Prepared By: M. Joseph Clement, Esquire
Wisler Pearlstine, LLP
460 Norristown Road, Suite 110
Blue Bell, PA 19422

Return To: Same as above

Parcel Nos. 30-00-12058-00-8
30-00-12056-00-1

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this _____ day of _____, 2017,
between **NATIONAL AUDUBON SOCIETY, INC.** (hereinafter "Grantor") and **ABINGTON
TOWNSHIP** (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of One Dollar (\$1.00) the receipt and sufficiency whereof is hereby acknowledged, the said Grantor does hereby quitclaim, release, remise, transfer and convey to Grantee all of its rights, title and interest in:

PREMISES "A" BEING ALL THAT CERTAIN tract or parcel of land situate in the Township of Abington, County of Montgomery, Commonwealth of Pennsylvania, and described according to a plan thereof made by Barton and Martin, Engineers, dated October 24, 1955 ("Plan"), as follows, to wit:

BEGINNING at a point on the Northerly side of Crosswicks Road (50' wide) at the distance of 58.64 feet measured on a bearing of North 82 degrees 11 minutes 10 seconds East along said side of Crosswicks Road from a point of tangent in the same; said point of tangent being at the distance of 73.61 feet measured Eastwardly along said side of Crosswicks Road and its extension on the arc of a circle curving to the left having a radius of 275 feet from its point of intersection with the extension of the Easterly side of Delene Road (50' wide); thence

extending from said point of beginning North 12 degrees 51 minutes 30 seconds West 165.64 feet to a point; thence extending North 82 degrees 03 minutes 19 seconds East 673.12 feet to a point; thence extending South 12 degrees 53 minutes 30 seconds East 220.85 feet to a point; thence extending North 82 degrees 09 minutes 10 seconds East 66.55 feet to a point; thence extending South 5 degrees 54 minutes 11 seconds East 512.02 feet to a point; thence extending South 29 degrees 42 minutes 40 seconds East 495.91 feet to a point; thence extending South 54 degrees 05 minutes 54 seconds West crossing the head of a certain road 204.59 feet to a point; thence extending South 35 degrees 54 minutes 06 seconds East crossing the Southwesterly side of said road 30 feet to a point in the bed of the same; thence extending South 54 degrees 05 minutes 54 seconds West re-crossing the Southwesterly side of the aforesaid road 135 feet to a point in the bed of a certain 20 feet wide drainage right of way; thence extending along the center line of said drainage right of way the four (4) following courses and distances: (1) North 24 degrees 34 minutes 26 seconds West 269.96 feet to a point; (2) North 5 degrees 45 minutes 24 seconds West 238.96 feet to a point; (3) North 40 degrees 37 minutes 35 seconds West 275.96 feet to a point; and (4) North 70 degrees 57 minutes 59 seconds West 173.39 feet to a point in the bed of the said drainage right of way; thence extending North 49 degrees 55 minutes 30 seconds West crossing the Northwesterly side of said drainage right of way 297.48 feet to a point; thence extending South 61 degrees 49 minutes 33 seconds West 47.75 feet to a point; thence extending North 7 degrees 48 minutes 50 seconds West crossing the head of Crosswicks Road 200 feet to a point in the Northerly side of said Crosswicks Road; thence extending South 82 degrees 11 minutes 10 seconds West along the Northerly side of said Crosswicks Road 9.60 feet to the first mentioned point and place of beginning.

PREMISES "A" CONTAINING 13.317 acres more or less and BEING known and designated as parcel No. 1 on said Plan; and,

PREMISES "A" ALSO BEING the same premises which ERWIN RAICHLE and THOMAS G. B. EBERT, Trustees for the several beneficiaries named in a Declaration of Trust dated October 31, 1955, by Deed of Gift dated December 28, 1956, and recorded on December 28, 1956 in the office of the Recorder of Deeds, Montgomery County, Pennsylvania in Deed Book No. ~~2662-2751~~, page ~~44-34~~, granted and conveyed unto National Audubon Society, a corporation.

PREMISES "B" BEING ALL THAT CERTAIN tract or parcel of land situate in the Township of Abington, County of Montgomery, Commonwealth of Pennsylvania, and described

(among other lands) according to a plan made by George B. Mebus, registered professional engineer of Glenside, Pennsylvania, dated September 29, 1959, and October 27, 1959, and recorded in the office of the Record of Deeds, Montgomery County, Commonwealth of Pennsylvania, in Plan Book A-5, Page 40, on November 13, 1959, as follows, to wit:

Commencing at a stone, a corner of land of Charles M. Ripple, land now or late of Leland C. Werden and land late of Stephen T. Dean, said stone being at the distance of Four hundred Thirty-five and sixty-one-hundredths feet (435.60') measured South Twelve degrees fifty-three minutes, thirty seconds East (S 12° 53' 30" E.) between land of Charles M. Hipple and land now or late of Leland C. Werden from a point in the center-line of Meetinghouse Road (thirty-three feet wide): said point being at the distance of One hundred sixty-five and ninety-five one-hundredths feet (165.95') measured along the same North eighty-seven degrees thirty minutes eight seconds West (N. 87° 30' 8" W.) from a point, the dividing line of land now or late of Leland C. Werden and land late of Crosswicks Farms; said last mentioned point being at the distance of Six hundred twenty-seven and fifty-three one-hundredths feet (627.53') measured Westwardly from the intersection which the said centerline of Meetinghouse Road makes with the centerline of Mill Road Circle (sixty feet wide); thence from the first mentioned stone South twelve degrees, fifty three minutes, thirty seconds East (S. 12° 53' 30" E.) along land late of Stephen T. Dean Two hundred ninety-eight and forty-one one-hundredths feet (298.41') to a stone; thence along land now of National Audubon Society South eighty-two degrees nine minutes ten seconds West (S. 82° 09' 10" W.) three hundred sixty-six and fifteen one-hundredths feet (366.15') to a stone, which last mentioned stone is the POINT OF BEGINNING; thence still continuing South eighty-two degrees nine minutes ten seconds West (S 82° 09' 10" W.) three hundred thirteen and nine one-hundredths feet (313.09') along land now of National Audubon Society to a stone; thence along land late of Crosswick Farms, North twelve degrees fifty-three minutes thirty seconds West (N. 12° 53' 30" W.) three hundred thirty-five and seventy-nine one-hundredths feet (335.79') to a stone; thence through land now or late of W. Gibson Carey North eighty-two degrees nine minutes ten seconds East (N. 82° 09' 10" E.) Four hundred and sixty-five one-hundredths (400.65') feet to a stone; thence South one degree fifty-nine minutes forty seconds West (S. 1° 59' 40" W.) Three hundred thirty-nine and fifty one-hundredths feet (339.50') to the point of beginning.

PREMISES "B" CONTAINING Two and seven thousand four hundred four ten-thousandths acres (2.7404); and,

PREMISES "B" ALSO BEING the same premises which STEPHEN T. DEAN and HELEN G. Dean, husband and wife, by Warranty Deed dated December 9, 1959 and recorded on May 18, 1961 in the office of the Recorder of Deeds, Montgomery County, Pennsylvania in

Deed Book No. 3165, page ~~542~~153, granted and conveyed unto National Audubon Society, a corporation.

PREMISES "A" AND PREMISES "B" ALSO BEING: Montgomery County Parcel Numbers 30-00-12058-00-8 and 30-00-12056-00-1, respectively (collectively Premises "A" and Premises "B" are hereinafter referred to as the "Tract").

**THIS DEED IS A CONVEYANCE FROM A NON-PROFIT CORPORATION
(NATIONAL AUDUBON SOCIETY) TO A MUNICIPALITY (ABINGTON TOWNSHIP)
AND IS REALTY TRANSFER TAX EXEMPT**

TOGETHER WITH all and singular, the buildings and improvements, tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversions, remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest, property, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in, or to the above-described premises, together with the appurtenances, unto the Grantee, and assigns forever.

UNDER AND SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

1. At all times hereafter, the Tract shall be used for passive recreational uses, the scientific, educational or charitable purposes set forth below, and no other purpose: (a) a wildlife, namely bird, sanctuary; (b) stimulation and development of public appreciation for the protection and preservation of wildlife, namely birds; or (c) the study, investigation, research and dissemination of information in connection with the protection and preservation of wildlife, namely birds, and their relationship to human beings and other forms of life.
2. At all times hereafter, the Tract shall be retained in its natural state, except that bird houses, owl boxes, bat houses and similar structures in keeping with the natural state of the Tract may be installed and maintained on the Tract.
3. Other than existing facilities which may be maintained and improved (but not expanded) as necessary, no improvements shall be installed or constructed on or over the Tract, or any portion thereof, including, but not limited to, vehicular roads, parking lots, entrances or pedestrian paths or ways.

RESERVING, HOWEVER, unto Grantor a right of reversion under which, if ~~the Board of Commissioners of the Township of Abington determines, by official action at a duly advertised public meeting, by reference to this Quitclaim Deed, that~~ **for any reason whatsoever,** ~~it no longer desires to continue to use, or does not use,~~ **the Tract** is no longer used **for the** foregoing purposes and in compliance with the foregoing restrictions, then the ownership of the Tract, in fee, shall revert and vest, automatically and by operation of law, to Grantor, or Grantor's assignee of record as evidenced by an Assignment of Reversion Rights recorded against the Tract in the office of the Recorder of Deeds, County of Montgomery, Commonwealth of Pennsylvania; and, in such event, Grantor or Grantor's assignee, if any, shall be free to and may sell the Tract, in whole or in part, free and clear of the foregoing **CONDITIONS AND RESTRICTIONS.**

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal the date, day and year first above written.

GRANTOR:
NATIONAL AUDUBON SOCIETY, INC.

By: _____

Attest: _____

IN WITNESS WHEREOF, said Grantee accepts the foregoing **CONDITIONS AND RESTRICTIONS**, and has hereunto set his hand and seal the date and year first above written.

GRANTEE:
ABINGTON TOWNSHIP

By: _____

Attest: _____

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF MONTGOMERY :

On this, the _____ day of _____, 2017, before me, the undersigned officer, a Notary Public, personally appeared _____, known to me or satisfactorily proven to be the _____ of Abington Township, and acknowledged that she/he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:

ACKNOWLEDGEMENT

STATE OF NEW YORK :
 : **SS**
COUNTY OF _____ :

On this, the _____ day of _____, 2017, before me, the undersigned officer, a Notary Public, personally appeared _____, known to me or satisfactorily proven to be the _____ of National Audubon Society, Inc. and acknowledged that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:



PUBLIC AFFAIRS COMMITTEE

AGENDA ITEM

February 8, 2018

PA-02-020818

DATE

AGENDA ITEM NUMBER

Office of the Township Manager

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Consider Resolution #18-013 Prohibiting the Location of a Category 4 Licensed Facility within the Township.

EXECUTIVE SUMMARY:

See attached Rudolph Clarke, LLC memorandum to Richard J. Manfredi, Township Manager dated January 24, 2018.

PREVIOUS BOARD ACTIONS:

None

RECOMMENDED BOARD ACTION:

Adopt Resolution #18-013 Prohibiting the Location of a Category 4 Licensed Casino within the Township

**ABINGTON TOWNSHIP
RESOLUTION NO. 2018-013**

**A RESOLUTION OF ABINGTON TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
PROHIBITING THE LOCATION OF A CATEGORY 4 LICENSED FACILITY
WITHIN THE TOWNSHIP**

WHEREAS, Act 42 of 2017 authorizes the licensing to ten (10) Category 4 casinos within the Commonwealth; and

WHEREAS, these Category 4 casinos will be “mini-casinos” licensed to those that operate a Category 1, 2 or 3 casino within the Commonwealth; and

WHEREAS, Act 42 of 2017 {§1305.1(A.1)(1)} gives all municipalities within the Commonwealth the option to prohibit the location of a Category 4 facility within their municipal boundaries; and

WHEREAS, a resolution to prohibit the location of a Category 4 facility within the municipal boundaries must be passed by the governing body of the municipality and delivered to the Pennsylvania Gaming Control Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Abington Township adopts this resolution in accordance with §1305.1(A.1)(1) of Act 42 of 2017 to prohibit the placement and operation of a Category 4 licensed facility within the boundaries of Abington Township.

BE IT FURTHER RESOLVED that a copy of this resolution shall be delivered to the Pennsylvania Gaming Control Board.

RESOLVED and ADOPTED at its public meeting held on the _____ day of _____, 2018.

ATTEST:

ABINGTON TOWNSHIP

Richard J. Manfredi
Township Secretary

Wayne C. Luker, President
Board of Commissioners



PUBLIC AFFAIRS COMMITTEE

AGENDA ITEM

February 8, 2018

PA-03-020818

DATE

AGENDA ITEM NUMBER

Office of the Township Manager

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Consider Repealing or Amending Chapter 125, Real Estate Registry, of the Township's Code of Ordinances, that Requires Property Owners to Register any Deed with the Township Following the Deed's Recording with the County Recorder of Deeds, and Imposes a Fee for Such Registrations?

EXECUTIVE SUMMARY:

See attached Rudolph Clarke, LLC memorandum to Richard J. Manfredi, Township Manager dated January 22, 2018.

PREVIOUS BOARD ACTIONS:

None

RECOMMENDED BOARD ACTION:

Motion to Amend Chapter 125 to repeal the requirement that property owners register their deeds following recording, and enter into an agreement with the Recorder of Deeds, in accordance with the recording statute and the provision in the Ordinance permitting such an agreement, to ensure that copies of all deeds for Township properties are provided by the County.



PUBLIC AFFAIRS COMMITTEE

AGENDA ITEM

February 8, 2018

PA-04-020818

DATE

AGENDA ITEM NUMBER

Office of the Township Manager

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Consider Establishing a Policy Authorizing the Township Manager and Township Solicitor to Approve Settling County Assessment Appeals Negotiated by the Abington School District and Setting a Dollar Amount that Requires the Board of Commissioner Approval.

EXECUTIVE SUMMARY:

A current practice exists where an Abington School District appointed law firm attends and reviews all assessment appeals before the County Board of Assessment when filed by a property owner. The School District will notify the Township of the outcome of that assessment appeal and ask for ratification and approval by the Township of that assessment appeal. The practice has been to either approve what the School District has negotiated or not. There is no indication that at any point in time the administration has not approved the negotiated settlement.

This is a practice that does not appear to have any statutory or policy authority granted by the Board of Commissioners, and it is being requested that the Board of Commissioners establish a policy that authorizes the Township Manager and the Solicitor to approve settlements or bring those settlement proposals to the Board of Commissioners.

PREVIOUS BOARD ACTIONS:

None

RECOMMENDED BOARD ACTION:

Motion to Establish a Policy Authorizing the Township Manager and Township Solicitor to Approve Settling County Assessment Appeals Negotiated by the Abington School District and Setting a Dollar Amount that Requires the Board of Commissioner Approval.

**MAILING DATE OF DECISION IS DECEMBER 8, 2017
DEADLINE TO APPEAL IS JANUARY 8, 2018**

DATE	PROPERTY	ASSESSMENT	DECISION	COMMENTS
12/5/2017	1095 Rydal Rd	2,268,000	<p>nunc pro tunc relief denied; 50% of building area and 100% of land placed on exempt list for 2019 tax year</p> <p>District annual tax loss: \$43,050</p> <p>Township annual tax loss: \$5,700</p> <p>Board to create new parcels to implement above decision.</p>	<p>Fair market value of \$8,554,400. Property sold to Penn State for \$5,450,000 in 8/11/2017 (a few days after the annual filing deadline), and this appeal was filed nunc pro tunc for the 2018 tax year because they did not realize they could file an appeal before taking title to the real estate. 50% of the building is used by Penn State, and the other 50% is used as a medical practice under a pre- existing lease (through 2023). Penn State is 100% responsible for maintenance of the land.</p>

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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



BOARD OF ASSESSMENT APPEALS

MONTGOMERY COUNTY COURTHOUSE • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3761
WWW.MONTCOPA.ORG

JOSEPH S. FOSTER, CHAIRMAN
PATRICK J. COSTELLO, BOARD MEMBER
ROBERT L. ADSHEAD, BOARD MEMBER

Mail Date: December 8, 2017

PENNSYLVANIA STATE UNIVERSITY, THE
MANAGER, REAL ESTATE SERVICES
110 BENEDICT BUILDING
UNIVERSITY PARK, PA 16802

NOTICE OF CHANGE IN ASSESSMENT

As a result of the testimony presented at the recent hearing covering the assessment on the property located at:

1095 RYDAL AVE.
Abington
Parcel No. 30-00-61084-00-5

the Montgomery County Board of Assessment Appeals has placed 50% of the building area, and 100% of the land comprising this parcel on the Exempt list effective 1/1/2019 and thereafter. 50% of the building area shall remain taxable. The request for relief *nunc pro tunc* is denied.

This exemption shall apply to all tax bills issued on or after the effective date. The aforesaid changes will be effected through the creation of new parcel(s). Notices describing these changes will be mailed to the address on record.

You have thirty (30) days from the above mailing date to appeal this decision to the Montgomery County Court of Common Pleas. Said appeal must be filed with the Prothonotary of Montgomery County.

Very truly yours,

THE BOARD OF ASSESSMENT APPEALS

Cc:
MICHAEL P. CLARKE, ESQUIRE
RICHARD MANFREDI, TOWNSHIP MANAGER
CHRISTOPHER A. LIONETTI, BUSINESS MANAGER
MARGARETE P. CHOKSI, ESQUIRE
JOAN R. PRICE, ESQUIRE
Montgomery County BOAA