

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, March 12, 2015 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:37 p.m.

ROLL CALL: Present: Commissioners ZAPPONE, SPIEGELMAN, SANCHEZ, MYERS, MARKMAN, KALINOSKI, SCHREIBER, DiPLACIDO, FARREN, GILLESPIE, HECKER, JONES, KLINE, LUKER
Excused: BOWMAN

Township Manager LEFEVRE
Township Solicitor CLARKE
Chief of Police KELLY
Finance Director BARRON
Township Engineer POWERS
Director of Code Enforcement MATTEO
Director of Parks and Recreation WENDELL
Director of Public Work MICCIOLO
Fire Marshal CLARK

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

Eagle Scout Eric Wacker:

Commissioner Gillespie presented Eagle Scout Eric Wacker with Certificate of Commendation announcing that a proud and grateful Abington Township salutes him on obtaining the rank of Eagle Scout of the Boy Scouts of America. In achieving this honor, he earned assorted merit badges that attest to his leadership qualities and his contribution to our community.

His chosen project was an important undertaking for Abington Township. The hours he spent coordinating a car wash fundraiser to cover the costs of shipping care packages to our soldiers overseas sent to an organization known as "For the Troops" and making a donation to the Marine Wounded Warriors is a testament to his community spirit.

We, the Board of Commissioners, join Eric's family, friends, community leaders and fellow members of Troop 48 to congratulate him on this milestone. They thanked him for the honor he brought to all Abington Township and wished him continued success and further fulfillment in the years to come on this 12th day of March, 2015.

Greater Glenside Patriotic Association Recognition:

Commissioner Gillespie presented President Luker with a plaque on behalf of the Greater Glenside Patriotic Association thanking Abington Township for their support of our 111th parade on the observance of the 238th birthday of our country.

President Luker thanked Commissioner Carol Gillespie for the work she and her late husband, former Commissioner Mike Gillespie does for the Glenside community.

Lew's Seafood Celebrated 50 Years:

Commissioner Kalinoski announced that over 50 years ago, the Capreri family wanted to open a seafood restaurant/bar in North Hills, and although it was a struggle to get approval, the family succeeded and had a family owned/operated business for the past 50 years.

He presented a plaque to the Capreri family announcing that Abington Township would like to congratulate the Capreri family as they have celebrated 50 years of business in Abington Township. Established in 1963 by Lew and Mary Capreri; Lew's Seafood continues to be family-owned and operated. Many things have changed over the years except for their desire to be part of the North Hills community.

We are deeply appreciative for the opportunity to recognize a business in our neighborhood that will continue to hold the standards of the highest quality for the next 50 years on behalf of the Board of Commissioners of the Township of Abington on this 12th day of March, 2015.

Recent Graduation Class of New Abington Township Firefighters

Fire Marshal Clark said as we look into the audience tonight, please keep in mind that the room is filled with a large group of unique Abington Township residents. They are unique because 24/7-365 they are the Township's ALL volunteer firefighting force, who place their health, safety and welfare at risk to assist all of our Township residents and their property in times of need.

During budget deliberations, if it were not for them, the Board would be looking for an additional \$5 million dollars to cover the cost of a paid Fire Department.

Tonight, the Abington Township Fire Department has two special recognition presentations. First, we will honor the graduates of our Firefighter I Program, followed by officially thanking retiring Abington Fire Company Deputy Chief Charles "Chipper" Jones for his many years of service to the community.

He called on Dave Schramm, Fire Services Administrator, who will introduce each of the Firefighter I graduates.

Mr. Schramm explained that Firefighter I Program is the entry level program for new firefighters of over 196 hours of documented instruction and 46-plus hours of class instruction time and, at the conclusion of class instruction, students have to take written tests and demonstrate their practical skills competency. The process began last September and students worked through the end of December.

He recognized the efforts of Larry Siefken, Fire Training Coordinator, who makes the facilities, equipment and logistics possible to run such a massive program. Jeff Glynn is the Community Service Specialist, Firefighter I Program Coordinator and Lead Instructor for these classes.

He presented slides showing the students in class as well as support people involved with the program. All training is held at the Fire Training facility on Florey Lane in the Township, and we make extensive use of it, and we appreciate the Board's support for it.

In 2014, we had 8,730 hours of fire training spread out amongst the five fire companies and this is a significant effort by the volunteers.

Also, in 2014, the Abington Township Fire Department contributed over 34,000 hours of volunteer community service and this led to the Department's accreditation in which we are the only volunteer fire department in Pennsylvania that is accredited. That accreditation was awarded to us one year ago yesterday.

Commissioner Schreiber said the amount of time and training these young volunteers have put into learning how to fight fires is amazing and they all should be very proud of themselves.

Commissioner Lori Schreiber, Director of Public Safety joined Larry Siefken, Fire Training Coordinator and Jeff Glynn, Lead Instructor, to present Certificate of Commendations to James Dougherty, Joseph Flint, Steven Hahn, Michael McCallister, Shaun Murphy, Josh Rice, and Nicholas Torba in recognition of their considerable efforts in completing 196 hours of basic fire training as prescribed by the National Fire Protection Association in support of the mission of the Abington Township Fire Department to provide excellent fire and rescue services to the community on behalf of the Board of Commissioners of the Township of Abington on this 12th day of March, 2015.

Jeff Glynn thanked the Board of Commissioners for supporting our programs and training grounds and for capital expenditures that come up from time-to-time to support our effort. He also thanked the graduating class of the new Abington Township Firefighters and their families because of the time they spent away from them.

Retiring Abington Fire Company Deputy Chief Charles “Chipper” Jones

Fire Marshal Clark introduced Deputy Chief Charles “Chipper” Jones to the Board.

After having served with the LaMott Fire Company from 1965 to 1970 Charles H. “Chipper” Jones and his family moved to Abington Township.

After completing the move, the first thing Chipper did was join the Abington Fire Company in November 1970.

In 1974, Chipper was elected to the position of Lieutenant where he held that position until making Captain in 1978.

In 1990, he became Assistant Chief and continued serving until 1992 when he took the position of Deputy Chief in 1993 and served as Abington Fire Company’s Deputy Chief until 2014.

That is a total of 44 years as a very active member with 40 of those years serving as a Fire Officer.

Deputy Chief Jones particularly enjoyed teaching Fire Prevention to the many school children that yearly visited the Fire Company. In fact, the Fire Company estimates that he has instructed at least 20,000 children during his time in office.

Deputy Chief Jones was also involved in numerous individual and unit citations/commendations during his years of service.

Commissioner Spiegelman said Deputy Chief Jones is a Ward 11 neighbor and, in 1970, he immediately volunteered for the Abington Fire Company, so the people of Abington Township especially his Ward 11 neighbors owe him a lifetime of gratitude for all that he has done and for the inspiration that he has given to all of the students in this room.

Commissioner Spiegelman presented Certificate of Commendation to Deputy Charles H. “Chipper” Jones who served from 1970 until 2014, and since 1970 Deputy Jones served the Abington Fire Company with distinction and dedicated service. The Board of Commissioners and the entire Township is in grateful appreciation of his years of knowledge, leadership and guidance and thanked him for all he selflessly contributed to the safety of his fellow citizens. Congratulations on behalf of the Board of Commissioners of the Township of Abington on this 12th day of March, 2015.

APPROVAL OF MINUTES:

Vice President Kline made a MOTION, seconded by Commissioner Spiegelman to approve the minutes of the Board of Commissioners Meeting of February 12, 2015.

Correction: Commissioner DiPlacido made the following correction to the minutes, which should read as follows: Commissioner DiPlacido said as a region, we collected a little over **100** units of blood for the Tri-State area and Abington brought in 50 of those units.

Vice President Kline made a MOTION to AMEND the MOTION to approve the minutes of the Board of Commissioners Meeting of February 12, 2015 as amended, seconded by Commissioner Schreiber.

MOTION as AMENDED – PASSED 14-0.

PUBLIC WORKS COMMITTEE:

2015 HUD Program – East Avenue/Tennis Avenue/North Hills Avenue – Storm Sewer Projects

Commissioner Kalinoski made a MOTION, seconded by Commissioner Hecker to approve and enter into contract with N. Abbonizio Contractors, Inc. for the 2015 HUD Program East Avenue/Tennis Avenue/North Hills Avenue Storm Sewer Projects, in the amount of \$354,385.00; subject to HUD’s full execution of the Authority to use Grant Funds HUD form 7015.16. To be funded from HUD.

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

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

MOTION was ADOPTED 14-0.

Resolution No. 15-016 – Execute a Maintenance and Contribution Agreement with PennDOT for Ornamental Street Lighting and Decorative Crosswalk at Noble 611 Bridge

Commissioner Kalinoski made a MOTION, seconded by Commissioner Sanchez to approve Resolution No. 15-016 authorizing the appropriate Township officials to execute a maintenance and contribution agreement with PennDOT for ornamental street lighting and decorative crosswalks as part of the Noble Bridge replacement project and to reserve \$115,000.00 from Fund Balance to cover associated costs.

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

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that she would like to have her street paved.

MOTION was ADOPTED 14-0.

Reallocation of Sewer Capital and Sewer Operations Budget Items

Commissioner Kalinoski made a MOTION, seconded by Commissioner Spiegelman to approve the reallocation of remaining balances of these previously budgeted capital expense items, which have been completed, to fully fund the replacement of the existing Camel Flush truck. The existing capital expense items total \$9,576.55.

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

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

MOTION was ADOPTED 14-0.

Bid Award for 2015-2016 Consortium Sign Bid

Commissioner Kalinoski made a MOTION, seconded by Commissioner Zappone to accept the lowest responsible bids and enter into contracts with the following companies for the purchase of materials as shown:

- | | |
|--------------------------------------|--|
| Garden State Hwy. Prods. | Sign Posts Material Portion – Items #4, #5, #6, #16, #18 thru #22 and #24. |
| Protective Services, Inc.
Chemung | Items #1 thru #3, #8, #10 thru #13, #15, #17, #23 and #25.
Items #7, #9, #17 and #26. |
| Garden State Hwy. Prods. | Aluminum Blanks Material Portion – Items #2 thru #9, #11 thru #17, #20 thru #34, #36, thru #38, #41, #46, #54 thru #57 and #59. |
| U.S. Municipal Supply | Item #35. |
| Lightle Enterprises | Items #1, #39, #40, #42 thru #45 and \$47. |
| Protective Services, Inc. | Items #10, #18, #19, #48 thru #53 and #58. |

- Garden State Hwy. Prods. **Reflective Roll Goods – Type III Material** – Items #1, #8, #10, #11, #15, #19, #20 & #21.
U.S. Municipal Supply Items #4, #5, #12, #14, #16, #18 and #22.
Protective Services, Inc. Items #2, #3, #6, #7, #9, #13 and #17.
- Garden State Hwy. Prods. **Reflective Sheeting and Sign Faces – Finished Signs – Type III Material – Complete.**
- Garden State Hwy. Prods. **Reflective Sheeting and Sign Faces – Type III Material** – Items #1 thru #22, #28 & #29.
Lightle Enterprises Items #24 thru #27
Protective Services, Inc. Item #23
- Flint Trading Inc. **Hot Tape Pavement Markings – Complete.**
- Garden State Hwy. Prods. **Miscellaneous Items** Portion – Items #2, #3, #4, #9, and #11.
U.S. Municipal Supply Item #5.
Lightle Enterprises Items #1, #6 thru #8, #10, #12 thru #18.

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

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

MOTION was ADOPTED 14-0.

Edge Hill Road/Tyson Avenue – Flood Control/Street Reconstruction Project – Resolution No. 15-017 Right-of-Way Agreements

Commissioner Kalinoski made a MOTION, seconded by Commissioner Kline to approve South East Realty Transfer, LLC to perform the required title reports in the amount of \$29,860.00 for the Edge Hill Road/Tyson Avenue Flood Control/Street Reconstruction Project Right-of-Way acquisitions.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline asked for further explanation.

Manager LeFevre explained that in February, the Board approved all three companies by one motion and PennDOT reps requested that each motion be approved separately.

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, was opposed to the motions.

MOTION was ADOPED 14-0.

Commissioner Kalinoski made a MOTION, seconded by Commissioner Zappone to approve Coyle, Lynch & Co. to prepare the damage estimates and appraisal reports in the amount of \$239,800.00 for the Edge Hill Road/Tyson Avenue Flood Control/Street Reconstruction Project Right-of-Way acquisitions.

MOTION was ADOPTED 14-0.

Commissioner Kalinoski made a MOTION, seconded by Commissioner Spiegelman to approve Rudolph Clarke, LLC to include all of the other remaining services, including the negotiations with property owners and preparation of all settlement packages in the amount not to exceed \$500,000.00; for the Edge Hill Road/Tyson Avenue Flood Control/Street Reconstruction Project Right-of-Way acquisitions.

MOTION was ADOPTED 14-0.

Commissioner Kalinoski made a MOTION, seconded by Commissioner Zappone to approve Resolution No. 15-017 to add Rudolph Clarke, LLC for legal rights, South East Realty Transfer, LLC for title reports for services relating to the Edge Hill Road/Tyson Avenue Flood Control/Street Reconstruction Project reimbursement agreement No. 064132-C, Supplement "C" for Right-of-Way acquisitions.

MOTION was ADOPTED 14-0.

ABINGTON TOWNSHIP RESOLUTION NO. 15-017

BE IT RESOLVED by authority of the Board of Commissioners of the Township of Abington, Montgomery County, and it is hereby resolved by authority of the same, that the Michael P. Clarke, of Rudolph Clarke, LLC, as Solicitor, be authorized to review and address the legal rights on behalf of the Township; South East Realty Transfer, LLC, be authorized to prepare the required title reports, and Coyle, Lynch & Co. authorized to prepare the damage estimates and appraisal reports, for the right-of-way acquisitions in regards to the attached Supplement "C"-Reimbursement Agreement No. 064132-C (S.R. 2034 Edge Hill Road / S.R. 2036 Tyson Avenue), PennDOT Project MSMP 57865.

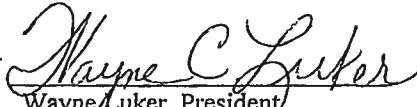
IN WITNESS THERETO, I affix my hand and attach the seal of the Township of Abington, this 12th day of March, 2015.

ATTEST:

ABINGTON TOWNSHIP



Michael LeFevre, Secretary

BY 
Wayne Luker, President
Board of Commissioners

I, Wayne Luker, President of the Abington Township Board of Commissioners do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by a majority vote of the Abington Township Board of Commissioners held the 12th day of March, 2015 and said Resolution has been recorded in the Minutes of the Township of Abington and remains in effect as of this date.

DATE: March 12, 2015

(SEAL)

CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE:

Subdivision SD 15-01 – James Sheridan – 1777 Kimball Avenue

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to approve the subdivision and land development application of James Sheridan, applicant for the property located at 1777 Kimball Avenue. The applicant seeks approval to subdivide the property into three lots. Lot No. 1 will contain the existing single-family dwelling and consist of 22,640 square feet with frontage on Kimball Avenue. Lots No. 2 and 3 are proposed for development and are plotted at 7,662 square feet each. Both Lots 2 and 3 have frontage on Smith Avenue. The properties are zoned in the (R-4) Residential District in Ward No. 8 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with three (3) new executed, signed, notarized and recorded deeds. This is a requirement of the subdivision process.
2. The applicant is required to set eight (8) concrete monuments as directed by the Abington Township Engineering Office.
3. Any work proposed within the roadway will require a “Highway Permit” from the Township Engineer’s Office.
4. An escrow fee of \$15,500 will be required for the storm sewer and roadway improvements, which includes inspection fees.
5. All sanitary sewer pipes placed within the public right-of-way are required to be ductile iron pipe. Plastic/PVC pipe is not acceptable within the public right-of-way.
6. The applicant will install at the direction of the Public Works Department a new street light on an existing utility pole on Smith Avenue.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan.
2. Waiver from Section 146.11B – Existing Features Plan.
3. Waiver from Section 146.11.C – Propose Layout Plan.
4. Waiver from Section 146-11.L. – Architectural Plan.
5. Waiver from Section 146-27 – Installation of Sidewalks on Kimball Avenue.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Markman recused himself from voting on this item.

Commissioner Myers said she is opposed for reasons she stated in committee.

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

MOTION was ADOPTED 12-1. Commissioner Myers opposed.

Land Development LD-15-02 – Molly Court Associates, LLC – 720 Rhoads Avenue

Commissioner Sanchez made a MOTION, seconded by Commissioner Myers to approve the subdivision and land development application of Molly Court Associates, LLC, applicant and owner of the property located at 720 Rhoads Avenue. The applicants seek approval to demolish the existing structures onsite and subdivide the property into eight lots. A new road is proposed with access to Rhoads Avenue. The eight proposed lots will range in size from 15,098 square feet to 18,292 square feet. The applicant proposes to construct a new single-family dwelling on each of the lots. The properties are zoned within the (R-2) Residential District in Ward No. 3 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with eight (8) new executed, signed, notarized and recorded deeds. This is a requirement of the subdivision process.
2. The applicant is required to set eight (8) concrete monuments as directed by the Abington Township Engineering Office.
3. Any work proposed within the roadway will require a "Highway Permit" from the Township Engineer's Office.
4. The items listed within the staff review letter dated, February 2, 2015 becomes conditions of the application.
5. The applicant has submitted an Act 537 Exemption application for the seven (7) new EDU's that will be required for this proposal.
6. Sidewalks to be installed along the south side of Rhoads Avenue from Old Huntingdon Pike to Essex Road.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan.
2. Waiver from Section 146.11B – Existing Features Plan.
3. Waiver from Section 146-11.F.b. – Phasing Plan.
4. Waiver from Section 146.11.1- Phasing Plan.
5. Waiver from Section 146.11.J – Recreation Facilities Plan.
6. Waiver from Section 146-11.L. – Architectural Plan.
7. Waiver from Section 146-27- Sidewalks on Molly Court.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner DiPlacido thanked Commissioners Jones and Sanchez and Township staff for coming up with an amicable solution for the issue of the sidewalk.

Mr. Matteo said the developer sent a letter stating they will install sidewalks on Rhoads Avenue from Old Huntingdon Pike to Essex Road and eliminate the sidewalks in the cul-de-sac area of Molly Court.

Also, the developer has no intension of dumping or storing any of the existing driveway bituminous paving and that note will be removed from the final plan.

Solicitor Clarke added that he will review it making sure the note has been removed from the final plan.

Mr. Matteo said when the final plan is received he will meet again with the neighbors so they can review it as well.

Commissioner Kline questioned whether there should be a condition No. 7 added to the motion that the note should be removed.

Solicitor Clarke replied it is not a condition, but just a note on the plan and the applicant was unsure why the note was on the plan as it was not something they were intending to do, so just as long as the note is removed and confirmed by Mr. Matteo, himself and the resident who brought it to our attention.

Commissioner Kline said since they are installing sidewalks on Rhoads Avenue has the property owners at the corners of Old Huntingdon and Rhoads and Essex and Rhoads been contacted.

Mr. Matteo replied they have been contacted, but he still needs to meet with them and get in writing that they will be responsible for maintaining the sidewalks.

Commissioner Markman commented that Rhoads is a busier street than an eight-home cul-de-sac where no sidewalks would be and, by installing sidewalks in the right-of-way through property to connect to the neighborhood, is a positive thing to connect this eight-home subdivision to surrounding neighborhoods with sidewalks. He thanked the developer as it was a good compromise.

Commissioner Jones added that the connection will also connect the new subdivision, but also enable those to walk to Alverthorpe Park, so this is a win-win situation.

Commissioner Luker thanked Commissioner Jones for doing an outstanding job as well as Commissioners Sanchez and Markman and also Mr. Matteo for their time and effort in this matter.

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

MOTION was ADOPTED 14-0.

Zoning Code Amendment – Temporary Sales – Ordinance No. 2093

Commissioner Sanchez made a MOTION, seconded by Commissioner Spiegelman to advertise Ordinance No. 2093 – an amendment to the Township Zoning Code, Article VIII – “Supplemental District Regulations,” Section 801.N – “Display and Storage of Goods.”

Commissioner Luker asked for any comments from Commissioners.

Commissioner Schreiber questioned whether a date needs to be included in the motion.

Manager LeFevre replied it will be considered by the Board at its meeting in May.

Commissioner Spiegelman questioned whether the motion needs to be amended.

Solicitor Clarke replied that the advertisement will include the date.

Commissioner Kline made a MOTION to AMEND the MOTION to say that a public hearing will be held on May 14, 2015 at the Board of Commissioners Meeting, seconded by Commissioner Spiegelman.

Commissioner Luker asked for any further comments from Commissioners.

Commissioner Kline questioned whether this will be included in the revised zoning ordinance if approved.

Solicitor Clarke replied yes.

Commissioner Kline clarified that if any amendments are made to the ordinance, it would need to be re-advertised. Is that correct?

Solicitor Clarke replied it would need to be re-advertised if there were any substantial changes.

Commissioner Kline expressed concern about the 1,000 feet provision in the ordinance.

Solicitor Clarke replied that normally, distance is not necessarily considered a substantial amendment, but since it may impact business owners, it may require re-advertising, so if 1,000 feet is not something the Board is comfortable with, he advised to discuss it further this evening, so the ordinance can be amended before advertisement.

Commissioner Kline said 1,000 feet is a large number and, in the draft zoning ordinance, 500 feet has been used as a distance.

Commissioner Hecker asked how was the 90-day effective period, which is the limitation of two permits and the 1,000 feet distance determined? Were similar ordinances reviewed by other municipalities?

Solicitor Clarke said we reviewed similar ordinances from other municipalities and there was also discussion with staff who agreed on these numbers.

Commissioner Schreiber asked for an example of how far 1,000 feet is.

Mr. Matteo referred to a diagram showing the location of the Township building noting the distance of certain streets that are 1,000 feet away.

Commissioner Myers commented that she is sure that the businesses in Abington Township who pay taxes all year long and who support their business through non-holidays will feel that 1,000 feet is not far enough.

Solicitor Clarke suggested that if the Board decides to change the distance of 1,000 feet listed in proposed ordinance than it should be made now as opposed to the meeting on May 14th for advertisement purposes. However, if the Board decides to make a change, that can be done at the hearing on the May 14th.

Commissioner Zappone agreed with Commissioner Myers that there have been businesses in this Township for years that pay their taxes all year long, so 1,000 or 2,000 feet would only be fair to those taxpayers.

Commissioner Gillespie said she feels the same as Commissioner Zappone that it could be 2,000 feet as far as she is concerned.

Commissioner Kline asked do owners of temporary sales pay mercantile taxes?

Manager LeFevre replied yes.

Commissioner Zappone said all of their transactions are paid in cash and they could tell the Tax Office they made \$100.

Commissioner Kline said he does not know whether they report all of their income, but he just wanted it to be clear that they are responsible for paying taxes to the Township just like everyone else.

Commissioner Luker asked for any public comments.

Edith Schmid, owner of Elite Florals, 1160 Bradfield Road, commented that previously she provided the Board with specs from "brick and mortar" florists and 1,000 feet is visible from the door of her business to where the pop-up stand is located on holidays.

She appreciates that this is being considered, but by pushing this off until May 14th there will be two major holidays before then which are Easter and Mother's Day.

She provided copies of requests from other floral businesses to the Board and Township staff asking why they do not have the same rights as the pop-up businesses do. We pay thousands of dollars in advertisement and the pop-ups steal our revenue. All of their sales are paid in cash and there is no way to track it. She chose to have her business in this Township and she does not feel that the Township "has her back." 1,000 feet is not acceptable, and we ask that those pop-ups be one mile away because we are tired of our hard-earned money going elsewhere.

Commissioner Gillespie questioned whether the Township needs to permit those pop-up businesses to be in the Township.

Solicitor Clarke replied yes, they are legal as long as they get a permit.

Commissioner Zappone clarified that the motion is to accept the distance of 1,000 feet. Is that correct?

Commissioner Luker replied that is correct. There was no amendment to the motion.

Commissioner Zappone made a MOTION to AMEND the MOTION to change the distance listed in the ordinance to 5,000 feet, seconded by Commissioner Farren.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline commented that there have been court cases where distance restrictions were not looked at favorably and 5,000 feet seems an excessive amount.

Solicitor Clarke replied any time this type of restriction is revised in an ordinance there is always a risk of it being challenged and Township officials would need to explain what the legitimate interest of the municipality is in using that distance and mostly likely be asked to back it up with data.

Commissioner Markman said if there was a grid showing the location of every business selling flowers and the ordinance's provision was changed to 5,000 feet, the question would be whether there is anywhere in the Township where pop-ups would be acceptable making the ordinance overly restrictive.

Commissioner Jones asked if we could specifically identify certain areas of the Township where pop-ups would be able to operate making a zone open for those businesses and, anywhere outside of that zone, would be restricted from those businesses.

Solicitor Clarke replied it would be difficult to do that because there are commercial business owners who permit those pop-ups to sell items on their property.

Commissioner Myers said although we are referring to florists as an example, it's not exclusive to florists as it could pertain to food trucks parked in front of a restaurant.

Commissioner Spiegelman questioned whether this ordinance would apply to food trucks.

Solicitor Clarke replied yes, that is a use that could be restricted by this ordinance.

Commissioner Jones questioned whether ice cream trucks should be exempt.

Solicitor Clarke replied ice cream trucks are not regulated as they do not set up in one place. We will look at how this ordinance could extend to a food truck or possibly an ice cream truck.

Commissioner Markman said he would like to have an ordinance in place now and 1,000 feet seems reasonable as a starting point and it could be amended at a later time.

Solicitor Clarke noted that the motion on the floor is to amend the ordinance to 5,000 feet.

Commissioner Luker asked for any public comments.

Edith Schmid, Elite Florals, 1160 Bradfield Road, commented that food trucks are protected because they need to be licensed and they have to be inspected by the Board of Health making them legal businesses paying taxes to the Township, and not someone setting up a tent and stealing Township revenue.

Lora Lehmann, 1431 Bryant Lane, was in favor of the amending the ordinance to 5,000 feet.

MOTION to AMEND - FAILED 4-10.

MOTION to ADOPT the original MOTION as stated – PASSED 12-2. Commissioners Zappone and Gillespie opposed.

Commissioner Luker called on Commissioner Kline for an update on the draft zoning ordinance.

Commissioner Kline announced that the draft zoning ordinance was presented before the Planning Commission on Tuesday, March 10, 2015 to discuss final recommendations of Draft #2 of the Zoning Ordinance. The Planning Commission proposes to adopt their final recommendations at their meeting on March 24, 2015 and then pass onto to the full Board of Commissioners. Following that, we will begin to set up meetings with the Board of Commissioners for review and consideration of Draft #2 of the Zoning Ordinance.

PUBLIC SAFETY COMMITTEE:

Ordinance No. 2088 – Repealing Article VI – “Removal and Impounding of Illegally Parked Vehicles” of Chapter 156 - “Vehicles and Traffic and Establishing and Enacting Chapter 160 - “Towing”

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 2088 Repealing Article VI – “Removal and Impounding of Illegally Parked Vehicles” of Chapter 156 – “Vehicles and Traffic” and Establishing and Enacting Chapter 160 “Towing.”

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

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

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2088

**AN ORDINANCE REPEALING ARTICLE VI – “REMOVAL AND IMPOUNDING OF
ILLEGALLY PARKED VEHICLES”
OF CHAPTER 156 – “VEHICLES AND TRAFFIC”
AND ESTABLISHING AND ENACTING CHAPTER 160 – “TOWING”**

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, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, pursuant to 75 Pa.C.S. §3353(c), the Board of Commissioners has the authority to provide for the rates to be charged for removal of vehicles and to regulate authorized towing services.

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article VI – “Removal and Impounding of Illegally

Parked Vehicles” should be repealed and Chapter 160 – “Towing,” should be enacted 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:

1. Chapter 156 – “Vehicles and Traffic,” Article VI – “Removal and Impounding of Illegally Parked Vehicles” is hereby repealed.
2. Chapter 160 – “Towing,” is hereby established and enacted as reflected in Exhibit “A” attached hereto.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
4. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 12th day of March, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:


Michael LeFevre, Secretary

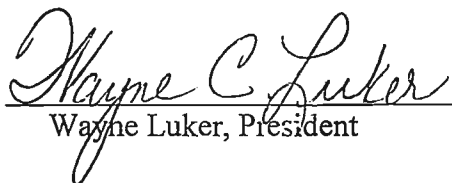
By: 
Wayne Luker, President

Exhibit "A"

§160-1 Purpose and Intent

The purpose and intent of this ordinance is to regulate towing rates and towing services as permitted by 75 Pa.C.S. § 3353; to provide for proper licensing of towing services and notice to the Abington Township Police where vehicles are towed from public or private property without the consent of the owner or operator of the vehicle by a towing service operating on behalf of a private property owner or on behalf of the Township, and to avoid erroneous reports of stolen vehicles being submitted to the Abington Township Police Department.

§160-2 Word Usage; Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMERCIAL VEHICLE

Any motor vehicle having a gross vehicle weight rating of 26,001 or more pounds or is otherwise defined as a "Commercial motor vehicle" pursuant to 75 Pa.C.S. §1603 or its successors.

HEAVY TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of 26,001 or more pounds.

LIGHT TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of no more than 10,000 pounds.

MEDIUM TOW TRUCK

Any motor vehicle capable of towing a vehicle having a gross vehicle weight rating, gross combination weight rating, registered combination weight or actual gross weight of no less than 10,001 pounds but no more than 26,000 pounds.

NON-COMMERCIAL VEHICLE

Any motor vehicle not defined as a "Commercial Vehicle" by this Section.

ON-CALL

Refers to those towers licensed under this chapter who alone will be called to accidents occurring in Abington Township by the Abington Township Police Department and shall

be available for any towing required by Abington Township itself, except as specifically provided in this chapter to the contrary.

PERSON

Any individual, firm, partnership, association, corporation, company or organization of any kind within Abington Township.

TOWER or TOWING SERVICE

A person or any other legal entity engaged in the business of offering the services of a vehicle tower or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled or are abandoned due to the arrest of the operator by use of a tow truck so designed for that purpose or by a truck, automobile or other vehicle so adapted to that purpose.

TOWNSHIP

The Township of Abington, Montgomery County, Pennsylvania.

TOW TRUCK

Includes "Light Tow Truck," "Medium Tow Truck," and "Heavy Tow Truck" as defined herein.

§160-3 Repossession Activity

Notwithstanding the provisions of this Chapter, towing companies will be generally exempt from compliance with this Towing Ordinance while they are engaged in repossession of vehicles on behalf of holders of liens on vehicles, provided that:

- A. At least one hour prior to beginning the repossession of a vehicle, the towing company must notify the Abington Township Police Department of its intention to repossess the vehicle; give the Abington Township Police Department the name of the vehicle owner and the address at which the vehicle repossession is going to take place. Furthermore, the towing company shall present to the Police Department proof of its right to repossess the vehicle; and
- B. When not engaged in repossession activity, towing companies must comply with the Towing Ordinance. The mere fact that a towing company performs repossession services from time to time in the Township does not provide the said towing company with a blanket exemption from this Towing Ordinance.

§160-4 Towing Unattended Vehicles from Private Property

The following regulations shall apply to the towing of any vehicle parked or left unattended on private property without the consent of the property owner aside from Repossession Activities as set forth in §160-3, including but not limited to repossessors of vehicles on behalf of lienholders or lessors of vehicles.

A. No towing service shall remove any vehicle that is parked or left unattended on private property unless the private property owner, lessee, or vehicle owner consents in writing to such removal. In addition, any towing service shall first secure a license from the Township of Abington prior to doing any towing from any public or private property located in Abington Township. A license shall be issued for a fee of \$100 per calendar year and shall be issued by the Abington Township Police Department upon completion of a department application containing, at a minimum, the following information:

1. The name, address and telephone number of the towing service.
2. The name, business address and telephone number of all persons or entities having an ownership interest in the towing service.
3. The name, address and telephone number of all persons from whose property in Abington Township the towing service is authorized to remove vehicles.
4. The name, address and telephone number of the storage yard where vehicles are removed from private property in Abington Township will be towed.
5. The name, address and telephone number of the bonding company and the name, address and telephone number of the bonding company agent through whom the bond required by this section has been issued.
6. Any changes in any of the information required in Subsection 1(a) through (f) herein shall be reported, in writing, to the Abington Township Police Department within 24 hours of such change.

B. Authorized towing services shall:

1. Maintain a current bond with the Township in the sum of \$10,000 in form and with surety satisfactory to the Township's Solicitor, conditioned upon the faithful performance discharged by the towing service of its duties as bailees of removed vehicles, and to indemnify the owners of vehicles against loss, injury or damage while in his custody.
2. Provide certificates of insurance as follows: in the minimum amount of \$500,000 combined single limit for scheduled autos, hired autos, nonowned autos; \$100,000 for each personal injury; and \$50,000 per occurrence for garage keeper's liability.
3. Comply with the provisions of the Pennsylvania Vehicle Code with respect to the removal and storage of vehicles from private property or the removal and impoundment of vehicles from public property.
4. Make payment of any final judgment for personal injuries or property damage rendered with respect to the performance of services regulated by this ordinance.
5. Notify the Abington Township Police Department by telephone, in person or by facsimile transmission of the removal of a vehicle from public or private property within 60 minutes of such removal and provide a description and license number of the vehicle thus removed.
6. Notify the record owner of the vehicle by telephone, in person, or by facsimile transmission of the removal of a vehicle from public or private property within 12 hours of such removal.

C. Signs on private lots. No person shall remove or cause to be removed a vehicle parked on a private lot without authorization unless signs are posted as follows:

1. That a sign, at least three feet by two feet in size, is placed at every entrance to a private lot clearly indicating that the parking lot is private, that unauthorized vehicles will be towed at the owner's expense, the name and phone number of the towing agency, the hours of tow operation and the towing and storage fees, which shall not exceed the fines listed in this chapter.
2. That within a lot containing less than 20 parking spaces, additional signs at least eighteen by twelve (18 x 12) inches in size are to be posted approximately eight feet above ground level, clearly indicating that all unauthorized vehicles will be towed at the owner's expense. One sign shall be posted for every four parking spaces and be readily visible from the parking spaces.
3. That within a lot containing more than 20 parking spaces, the property owner shall prepare a site plan, subject to the approval of the Chief of Police or his or her designee, showing signage readily visible from all directions. Such signs, clearly indicating that all unauthorized vehicles will be towed at the owner's expense, shall thereafter be posted and maintained pursuant to the approved site plan. In the event that the Pennsylvania Motor Vehicle Code, and its accompanying regulations, provides for a higher standard with regard to signs and posting of signs, said standards shall be followed.
4. There shall be no additional fees other than the fees posted on the signs.
5. Signs must be reflective to increase visibility during hours of darkness.

§160-5 Towing of Vehicles at the Request of the Abington Township Police Department

- A. The Chief of Police, or designee, is hereby authorized to remove and impound, or to order the removal and impounding, of any vehicle parked on any of the streets, highways or public property in Abington Township in violation of any provision of the law or of any ordinance of the Township; provided, that the removal and/or impoundment of such vehicles strictly adheres to the provisions of this ordinance.
- B. The Board of Commissioners shall appoint two towing companies each year to serve for a period of 12 months. The appointed towing companies will alternate after every call for service. No person shall be eligible to be named as a primary or alternate primary tower by the Board of Commissioners unless he/she first acquires a valid towing license from the Township of Abington.
- C. Towers requesting to be appointed as the primary or alternate primary tower shall submit an application to the Township.
- D. Primary and alternate primary towers shall be selected from applicants based upon a criteria consisting of, but not limited to, Applicant's quality of service, the location and security features of Applicant's facility, their compliance with codes, their standing with the Township, their number of vehicles available, their compliance with the provisions of this Code and their payment of a fee established by the Township.

E. Minimum Standards. Primary and alternate towers shall be solely responsible to ensure that:

1. No vehicle shall be licensed unless the vehicle to be licensed is properly registered and inspected as required by the Motor Vehicle Law of the Commonwealth of Pennsylvania. Each tow truck shall meet all of the requirements of the Motor Vehicle Law for such vehicles
2. On each side of every tow truck for which a license has been granted, there shall be, legibly inscribed in letters not less than three inches high, the name and address of the owner and licensee of such tow truck and the license number for each license posted on the cab.
3. Each tow truck shall be equipped with an amber rotating light mounted at the top of the cab of such vehicle and shall be of a type that contains at least two sealed beam bulbs and visible 360° for a distance of not less than 500 feet under normal atmospheric conditions, or equal lighting equipment.
4. Each tow truck shall be equipped with two flashing red lights (four-way flashers) so mounted as to show the width of the vehicle from the rear; said lights shall be visible for a distance of not less than 500 feet under normal atmospheric conditions.
5. Each tow truck shall be equipped with not less than 12 thirty-minute-burning-type flares and three reflecting-type flares.
6. Each tow truck shall be equipped with a fire extinguisher, the minimum rating of which shall be at least 10 pounds ABC.
7. Each tow truck shall be equipped with hoisting equipment of sufficient capacity to perform the service intended. The hoisting equipment of each tow truck shall be securely mounted to the frame of such vehicle. The winch of such hoisting equipment shall contain not less than 100 feet of steel strand cable; said cable shall be one continuous length and shall be free from breaks, splits or knots.
8. Each tow truck shall be equipped with a broom, shovel, crowbar and oil dry.
9. Each operator of any tow truck shall have a valid commercial driver's license related to tow truck operators issued by the Pennsylvania Department of Motor Vehicles.
10. Each licensed person under this chapter shall provide a certificate or other written document acceptable to the Township that the insurances required under this chapter remains in full force and effect.
11. The primary and alternate tower is capable of accommodating heavy duty and regular towing.
12. Both the primary and/or secondary tower are expected to respond within 15 minutes from their receipt of the Police Department's call requesting service to the location of the wrecked or abandoned vehicle, except during adverse roadway conditions.
13. If the primary or secondary tower cannot respond to the service call from the Police Department with the appropriate towing vehicle or within the required response time, the firm should so advise the police dispatcher. If the tower is delayed while in transit to the requested location, the vehicle operator shall advise the police dispatcher of the delay and of his present location, whereupon a determination shall be made by the appropriate police official as to whether an alternate tower shall be called.

14. Any primary or secondary tower performing police towing service, as an independent contractor to the Township of Abington, shall not exceed the maximum rates established in this chapter.
15. All primary and secondary towers shall comply with the rules and regulations established by the Abington Police Department.
16. Primary and/or alternate primary towers must immediately transport towed vehicles to a secured yard with the vehicle's windows closed and all doors locked. The vehicle's keys shall be deposited with a copy of the service invoice in the impound yard office.
17. An invoice for each tow service shall be completed by the primary and/or secondary tower and shall include the following information:
 - a. Incident number.
 - b. Date and location.
 - c. Whether a police release is required.
 - d. The make, model, vehicle identification number and license plate number.
 - e. Indication of status (i.e., wrecked, stolen, abandoned, disabled or impounded)
18. If the cause of the disability was due to an accident, primary and/or alternate primary towers must completely clean and sweep all debris from the accident scene prior to leaving same. There shall be no additional charge for clean-up of the accident scene.

F. Application. Neither license shall be issued unless an affidavit of application therefor has been filed with the Township Manager by the applicant on or before November 30 prior to the license calendar year, duly sworn to by said applicant before a duly licensed notary public of the Commonwealth of Pennsylvania and thereafter approved. The application shall include the following information for each license:

1. The name and business address of the applicant and, if a natural person, his age and residential address.
2. The registration number of each tow truck to be operated.
3. The location, description and hourly availability of the tow trucks operated by the applicant and the rates for services thereof.
4. Location of space for properly storing, accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where vehicles are disabled.
5. A schedule of regular rates showing the charges to be made for all aspects of towing within the towing area indicated in § 160-6(F) hereof.
6. A list of heavy duty and standard tow trucks, as defined in this Chapter, in the applicant's vehicle fleet.
7. Such other information as the Township Board of Commissioners shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination of whether the terms of this chapter have been complied with.
8. A certificate of insurance shall be provided by each tower requiring notice to the Township not less than 30 days prior to the event of cancellation or nonrenewal, which shall indicate the amount of liability insurance and garagekeeper's liability insurance for personal injury and property damage on said service or tow truck and to

cover fire, theft and property damage on vehicles impounded or stored, respectively; the name of the insurance company, which must be licensed to do business in the Commonwealth of Pennsylvania; and the policy number. The limits shall be not less than \$100,000 for each person and \$300,000 for each occurrence and not less than \$25,000 for property damage on each of the property coverages and garage keeper's legal liability policy to cover fire, theft and property damage that will cover any vehicle towed, impounded or stored and will keep such policy in effect through their license period, in insurance limits not less than as set forth above.

- G. No license shall be considered for issuance by the Township under this chapter unless the entire application, with all requirements set forth in §160-5(F) has been received by the Township on or before November 30 of the calendar year prior to the license calendar year.
- H. Expiration. Every license issued pursuant to this chapter shall expire on the 31st day of December following the issuance thereof, and no such license is transferable from one operator to another, nor from one truck to another, without the prior written consent of the Township.
- I. No person shall operate for hire a truck or other type of motor vehicle designed and able to provide road service and to tow other motor vehicles from public places, streets or highways within the Township, unless a license therefor shall first have been obtained from the Township as hereinafter provided. This provision shall not be deemed to require licensing of tow truck operators who tow vehicles from private garages, residences or other private places with the prior consent of the vehicle owner or tow truck operator towing vehicles.
- J. Such license shall not be transferable. Any change in ownership of a licensee shall operate as a termination of such license.
- K. Application for each such license related to standard tow truck towers and heavy tow truck towers shall be mailed on a form provided by the Township and shall be accompanied by a fee schedule to be charged by the licensee and an annual license fee of \$100, or such fee as shall be set from time to time by resolution of the Township Board of Commissioners.
- L. Each license issued by the Township under this chapter shall be for one calendar year.
- M. The licensing of towers pursuant to this chapter shall create no new or additional liability for the Township. The duties performed by the Township pursuant to this chapter are general duties owed to the public. No person is authorized to create a special duty to anyone either by representation, act or omission. Towers pursuant to this chapter shall indemnify the Township to the fullest extent allowable by law.

§160-6 Prohibited Acts

- A. The provisions of this Section shall apply to private towers and towers acting at the request of the Abington Police Department.

- B. Removal from scene of accident. It shall be unlawful for any person to service or tow away any motor vehicle which has been involved in an accident without the prior consent of the owner or operator and the Township police officer at the scene of the accident. No motor vehicle shall be serviced at or removed from the scene of an accident, where the Township police officer requires or requests that an examination be made of the damaged vehicle to determine whether the vehicle was defective or where the Township police officer requires or requests that photographs and/or diagrams of the scene be made.
- C. Failure to remove debris. When called to the scene of an accident, either by the Abington Township Police Department or at the request of the owner of the motor vehicle, the tower shall be responsible for removing debris from the roadway, such as glass, metal fragments, etc., leaving the roadway free from such debris. Failure to remove debris shall be unlawful.
- D. Solicitation. It shall be unlawful for any person to drive along any public street or highway within the Township for the sole purpose of soliciting towing and/or repair work. It shall be unlawful for any person to solicit towing or repair work at the scene of any motor vehicle accident on private property or on a public highway within the Township. The stopping of any tow truck within 500 feet of the scene of any accident or disabled vehicle on any public street or highway in the Township without the prior authorization of the operator of the vehicle, owner of the vehicle, a member of the Township Police Department or a member of the Pennsylvania State Police shall be presumptive evidence of the intent of the operator of a tow truck to solicit towing or repair work, except if the owner flags down a passing tow truck.
- E. Cruising. Cruising for the purpose of solicitation of towing or repair work shall be unlawful. "Cruising" shall be defined as the driving along the public highways or roadways solely for the purpose of soliciting towing or repair work, and without having been first called or otherwise requested to provide service.
- F. Destination of towed vehicle. The owner of the vehicle shall determine the destination of the vehicle to be transported by the tower, within a radius of not greater than 12 miles from the location of the subject vehicle. Tower shall inform the vehicle's owner of additional mileage fees.
- G. Fees. No person operating pursuant to this chapter shall charge fees for any towing or storage services in excess of the fees established in this Ordinance.
- H. Subcontracting. In an on-call event, in the event that tower called for towing or service assistance is unable to comply with the request for towing or service assistance, the tower shall not be permitted to subcontract the work to another tower or to permit any unlicensed tower or vehicle to complete the tow or service assistance. In such an instance, if the tower that was originally called is unable to complete the tow or the service assistance, the next tower on the duty tow list shall be contacted to complete the tow or service assistance.

- I. Owners or operators of hooked vehicles and towing operators shall not engage in disorderly conduct.

§160-7 Towing Costs and Hooking Fees for Non-Commercial Vehicles Weighing 10,000 Pounds or Less

- A. The cost of towing passenger cars, and other non-commercial vehicles weighing 10,000 pounds or less, hooked and removed from the premises shall not be in excess of \$125 for each crane tow, wheel lift, flatbed tow, or any other type of tow. In all instances when a passenger car, or other non-commercial vehicles, is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall charge no more than a hooking fee of \$50 and must release the vehicle to the owner/operator immediately upon receipt of fee. A separate fee for winching shall not be charged, except in extraordinary circumstances. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.
- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-8 Towing Costs and Hooking Fees for Passenger Cars and Other Non-Commercial Vehicles Weighing More Than 10,000 but Less Than 26,000 Pounds

- A. The cost of towing passenger cars, and other non-commercial vehicles weighing more than 10,000 pounds but less than 26,000 pounds, hooked and removed from the premises shall not be in excess of \$175 for each crane tow, wheel lift, flatbed tow, or any other type of tow. In all instances when a passenger car, or other non-commercial vehicles, is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall charge no more than a hooking fee of \$50 and must release the vehicle to the owner/operator immediately upon receipt of fee. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.

- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-9 Towing Costs for Commercial Vehicles

- A. The cost of towing Commercial Vehicles shall not be in excess of the sum of \$225 per hour plus \$5 per mile. In all instances when a vehicle Commercial Vehicles is hooked and the owner/operator returns prior to the vehicle being removed, tow operators shall release the vehicle to the owner/operator immediately upon receipt of fee. A separate fee for winching shall not be charged, except in extraordinary circumstances. Additional fees at reasonably prevailing rates, not to exceed \$125 per hour, may be applied for the recovery of additional labor costs associated with unusual circumstances including, but not limited to, the removal of oil and vehicle fluids and specialty tow services for overturned vehicles, seriously wrecked vehicles, vehicles in remote or inaccessible areas, clean-up of an exceptional amount of debris, destinations ten (10) miles or greater from the location of the subject vehicle, or like situations.
- B. If the owner/operator is unable or unwilling to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene.
- C. Under no circumstances, and in no cases, shall an administrative or other like fee be charged.

§160-10 Storage Cost of Passenger Cars and All Other Vehicles

- A. The cost of storage of Passenger Cars and all other Vehicles, Commercial or Non-Commercial, shall not be in excess of \$50 per day.
- B. There shall be no storage costs if the towed vehicle is retrieved on the same business day between the hours of 8:00 a.m. and 5:00 p.m.
- C. Towing company must provide secure, well-lighted, and maintained facilities which at all times promote the safety and protection of towed and impounded vehicles and owners thereof who visit such facility.
- D. Between the hours of 8:00 a.m. and 11:00 p.m., seven days per week, the towing company must have personnel available, at least once every hour, to return the towed or impounded vehicle to its owner or to allow the owner an opportunity to remove personal belongings such as medicine, cell phones, laptop computers, purses, perishable goods, etc. from the towed/impounded vehicle.

- E. The provisions of paragraphs (C) and (D) of this section shall not apply with regard to any Passenger Cars or other Vehicles, Commercial or Non-Commercial, stored or impounded on a lot owned or maintained by the Township or the Township Police Department. The fee for Passenger Cars or other Vehicles, Commercial or Non-Commercial, stored or impounded on a lot maintained or owned by the Township or the Township Police Department shall be \$50 per day.
- F. No storage fees may be imposed during the first twenty-four (24) period a vehicle is stored at the facility if the facility is not open.

§160-11 Liability of Owner or Operators for Fine or Penalty

The payment of towing and storage charges authorized by this chapter shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty

§160-12 Violations and Penalties

- A. Revocation. The Chief of Police, upon determining that any provisions of this section have been violated, in addition to any other penalties provided herein, may revoke a license issued hereunder, together with the right to reapply for a subsequent license, for a period of up to two years. Appeal from such revocation shall be to the Public Safety Committee of the Board of Commissioners.
- B. Fines. Any person, firm or corporation violating any of the provisions of this Ordinance shall, in addition to the other charges hereinbefore provided for, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$600.00 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this Ordinance shall constitute a separate offense.
- C. Equitable Relief. Further, the appropriate officers or agents of the Township of Abington are hereby authorized to file a complaint for such violation and seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

§160-13 Severability

The provisions of this ordinance are severable, and if any section, clause, sentence or part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair the remaining parts and provisions of this ordinance.

Ordinance No. 2090 – Amending Chapter 156 “Vehicles and Traffic,” Article II – “Traffic Regulations” Section 7 – Speed Limits Established

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 2090 amending Chapter 156 “Vehicles and Traffic,” Article II – “Traffic Regulations” Section 7 Speed Limits Established reducing the speed limits on Rockwell Road from Old Welsh Road to Edge Hill Road from 35 miles per hour to 30 miles per hour.

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

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

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2090

**AN ORDINANCE AMENDING CHAPTER 156 – “VEHICLES AND TRAFFIC,”
ARTICLE II – “TRAFFIC REGULATIONS”
SECTION 7 – “SPEED LIMITS ESTABLISHED”**

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, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” should be amended 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:

1. Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” shall be amended to repeal the following restriction:

Name of Highway	Speed Limit (mph)	Location
Rockwell Road	35	From Old Welsh Road to Edgehill Road

2. Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Section 7 – “Speed Limits Established,” shall be amended to add the following restriction:

Name of Highway	Speed Limit (mph)	Location
Rockwell Road	30	From Old Welsh Road to Edgehill Road


3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.

4. This Ordinance shall become effective five (5) days after enactment.


ORDAINED AND ENACTED this 12th day of March, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:



Michael LeFevre, Secretary

By: 

Wayne Luker, President

Ordinance No. 2091 – Amending Chapter 156 – “Vehicles and Traffic,” Article III – “Parking Regulations,” Section 25 – “Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing”

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to advertise Ordinance No. 2091 amending Chapter 156 (Vehicles and Traffic), Article III (Parking Regulations), Section 25 – (Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing) for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

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

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

MOTION was ADOPTED 14-0.

Ordinance No. 2092 – Amending Chapter 155 – “Traffic Control,” Article I – “Automated Red Light Enforcement Systems,” Section 155-7 “Duties of the Township of Abington”

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to advertise Ordinance No. 2092 amending Chapter 155 (Traffic Control), Article I “Automated Red Light Enforcement Systems,” Section 155-7 – “Duties of the Township of Abington” allowing a \$35 cost of collection fee to be added to the \$100 Red Light Camera fine when the fine is referred to a third party collection agency for adoption at the regularly scheduled meeting of the Board of Commissioners on April 9, 2015.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline said the collection agency was passed by the Board sometime last year, and at that time, was there a fee being paid to them?

Solicitor Clarke replied no, that is the reason for this motion.

Commissioner Kline questioned how it was assumed that this collection were to be paid.

Commissioner Markman commented that he thought their fee would come from the \$100 fine.

Solicitor Clarke replied the company realized that it may have been provided for, but was not passed as an ordinance and the collection agency advised that it needed to be added to the ordinance before collections begin.

Commissioner Kline asked is the collection agency getting the entire \$35?

Solicitor Clarke replied yes.

Commissioner Farren suggested waiting two months before making a decision on this matter or does it have to be done now.

Solicitor Clarke replied in order for the collection agency to collect fines they need their fee. The current contract for the company who runs the Red Light Program expires on September 30, 2015 one year from when the system has been up and operational and the Board will need to make a decision over the summer. But in order for the collection agency to begin collecting fines this needs to be passed now.

Commissioner Jones said since payments can be made on fines, does the first \$35 go to the collection agency and is the entire amount of the fine sent to collection agency?

Solicitor Clarke replied when a fine is sent to collection the amount owed is the total amount and that entire amount has to be satisfied. Normally, the Township will get their money first on payment plans and, only when there is an amount owed to the municipality, can the collection agency collect their fee.

Chief Kelly added that fines are not sent to collection agency as long as payments are being made.

Commissioner Luker asked for any public comments.

Raymond Bell, 2076 Parkview Avenue, said in regards to credit reporting; he does not know why a collection agency needs to report account level information to major credit reporting agencies. When an agency gets an account they make an inquiry to a credit reporting agency that shows as an inquiry only and not account data. If account data is reported it needs to be kept current. He suggested not having the collection agency do credit reporting on Township fines. They can make an inquiry, but they should not be reporting account level information.

Commissioner Schreiber asked isn't there other programs within the Township where fines are issued, and if they are not paid, then it goes to collections? This isn't the first time this has happened.

Chief Kelly replied this is normal practice and, by having a collection agency involved, is an incentive to have a person pay for it. -35-

Solicitor Clarke agreed there are other mechanisms used by the Township such as liens etc., but because of the unique nature of this program, this is the only way to get the fines paid.

MOTION was ADOPTED 12-2. Commissioners Kline and Luker opposed.

DARE Program Grant

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to authorize Township officials to accept a grant from CAPT in the amount of \$15,000.00 for the DARE Program.

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

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

MOTION was ADOPTED 14-0.

First Conditional Appointment – Probationary Police Officer

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to appoint candidate Nathan Walters from the Certified Civil Service Eligibility List to the position of Probationary Police Officer provided he successfully completes the Background, Physical and Psychological tests and all entry requirements of the Municipal Police Officers' Education and Training Commission for Act 120 Training. Appointment will be effective May 4, 2015.

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

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

MOTION was ADOPTED 14-0.

Second Conditional Appointment – Probationary Police Officer

Commissioner Schreiber made a MOTION, seconded by Commissioner Spiegelman to appoint candidate Kristian Shaw from the Certified Civil Service Eligibility List to the position of Probationary Police Officer provided he successfully completes he Background, Physical and Psychological tests and all entry requirements of the Municipal Police Officers' Education and Training Commission for Act 120 Training. Appointment will be effective May 4, 2015.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Hecker reported that Kris and his family are residents of Ward 10 and they are a wonderful family and he is glad to see he has this opportunity.

Commissioner Luker concurred with Commissioner Hecker and this is wonderful for the Township and especially Chief Kelly.

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

MOTION was ADOPTED 14-0.

PUBLIC AFFAIRS COMMITTEE:

Resolution No. 15-013 – Designating the Township of Abington as a National Audubon Bird Town

Commissioner Spiegelman made a MOTION, seconded by Commissioner Sanchez to approve Resolution No. 15-013 – designating the Township of Abington as a National Audubon Bird Town.

Commissioner Luker asked for the full names of the students who made an excellent presentation about the Audubon Bird Town so he can send a letter of credit to the Principal of the School District.

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

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

MOTION was ADOPTED 14-0.

RESOLUTION NO. 15-013

ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

A RESOLUTION TO NOMINATE TOWNSHIP OF ABINGTON
AS A "BIRD TOWN"

WHEREAS, Abington Township recognizes that birds are indicators of environmental health and has a proud record of support of bird conservation through the maintenance of important bird habitat through the Township Parks system, including Briar Bush Nature Center and the establishment of the Abington Township Environmental Advisory Council; and

WHEREAS, Audubon Pennsylvania has created Bird Town to encourage municipalities to educate their residents, schools, and businesses about birds; and


WHEREAS, the citizens of Abington Township desire a healthy life that includes sustainable green space for the people, plants, and wildlife of future generations; and

WHEREAS, as elected representatives to Abington Township, we committed to continue our efforts to provide leadership which will seek community-based sustainable solutions to strengthen our community, increase property value;

NOW, THEREFORE, BE IT RESOLVED, that to engage in efforts to provide a healthy environment for the people and birds of our town, that on this 12th day of March, 2015, the Board of Commissioners of Abington Township wishes to continue and extend our efforts with our community partners including Briar Bush Nature Center, the Abington Township Environmental Advisory Council, the Wyncote Audubon Society and the Abington Senior High School Earth Serve Club efforts to protect birds and their habitats, and by doing so be recognized by Audubon Pennsylvania as an Audubon Bird Town.

ADOPTED this 12th day of March, 2015.

BOARD OF COMMISSIONERS



Wayne C. Luker, President

ATTEST:



Michael LeFevre, Secretary

Business Integrity Policy

Commissioner Spiegelman made a MOTION, seconded by Commissioner Farren to adopt the Business Integrity Policy which establishes guidelines to ensure all business conducted by the Township observes the highest standards of honesty and integrity.

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

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked for a “bigger place for discussion and debate.”

MOTION was ADOPTED 14-0.

TD Bank Grant for Green Streets

Commissioner Spiegelman made a MOTION, seconded by Commissioner Hecker to approve the acceptance of the TD Green Streets Grant in the amount of \$20,000. No match is required, but this is a reimbursement grant. Grant expenses will be paid for out of an account that will be set up at a later date by the Finance Department and then reimbursed at the end of the project after a final report has been submitted and approved.

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

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, expressed concern about “nonprofits such as the Star Program where monies are coming from Township for the startup of that business.”

MOTION was ADOPTED 14-0.

Deer Hunt in Karebrook

Commissioner Spiegelman made a MOTION, seconded by Commissioner Farren to approve controlled hunts in the Karebrook Nature Study Area by Abington Deer Management for the entire season from September 19, 2015 to January 23, 2016. Signs will be posted along the perimeter of the area noting that the area will be closed inclusively for the dates noted above.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline commented that he reviewed last year's numbers of how many deer were removed and they were marginally different, if not lower, and he will approve it this year, but this may not be the best method. He clarified that Abington Deer Management will follow the same exact protocol as was previously done in regards to notification to the Police Department as well as receive a report half way through the deer season. Is that correct?

Mr. Wendell replied yes.

Commissioner Zappone questioned whether there are any other hunting groups such as Abington Deer Management who remove deer?

Mr. Wendell replied there are a few and some are located in Bryn Athyn. Abington Deer Management is different in that they have liability insurance and they have been the preferred organization to do the hunts since 1997.

Commissioner Zappone asked Mr. Wendell if he spoke with the other hunting groups about whether they had insurance such as go through an interview process to see whether others would be interested in doing the hunts.

Mr. Wendell replied it was discussed with Sue Forester when she was the Director and the President of Abington Deer Management and Whitetail Associates and the reason they chose Abington Deer Management was because most of them are Abington residents and they also have an excellent safety record and they are insured.

Commissioner Zappone said, but that was when Sue was here. Recently, has any other groups been looked into?

Mr. Wendell replied no, because there have been no safety issues with Abington Deer Management in the past 20 years.

Commissioner Zappone asked Mr. Wendell to look into the credentials of other hunting groups and also to see whether there is any interest from them.

Mr. Wendell agreed.

Commissioner Spiegelman expressed concern about the ethics of this program based on the numbers. He would like to look at this further in the future.

Commissioner Markman asked about other methods for removing deer.

Mr. Wendell replied there are other ways to try to control deer herds, but most have been found to not be effective. Birth control is one, but the same deer has to be inoculated multiple times and in an area where they are free to roam, which is next to impossible.

Travel transfer has not been proven effective and hunting has been the chosen method for a long time. Also, Abington Deer Management does not charge the Township for their hunting efforts.

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

MOTION was ADOPTED 13-1. Commissioner Schreiber opposed.

Controlled Hunt in Alverthorpe Park

Commissioner Spiegelman made a MOTION, seconded by Commissioner Jones to approve a one-day controlled hunt to take place in Alverthorpe Park during the 2015-2016 season.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Zappone questioned whether there are any other hunting groups such as Abington Deer Management who remove deer and he asked Mr. Wendell to look into the credentials of other hunting groups and also to see whether there is any interest from them.

Commissioner Luker asked for any public comments.

Brian Keister, 1761 Rockwell Road, asked about the deer meat because it may be an opportunity to help feed homeless residents in the Township.

Commissioner Kline replied Abington Deer Management donates all of the meat.

MOTION was ADOPTED 13-1. Commissioner Schreiber opposed.

Resolution No. 15-012 – Authorizing the Disposition of Certain Parks and Recreation Office Records

Commissioner Spiegelman made a MOTION, seconded by Commissioner Zappone to adopt Resolution No. 15-012, authorizing the disposition of certain Parks and Recreation Office records as set forth in Exhibit "A."

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

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

MOTION was ADOPTED 14-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 15-012

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING THE
DISPOSITION OF CERTAIN PARKS AND RECREATION OFFICE RECORDS**

WHEREAS, by virtue of Resolution No.11-009, adopted March 10, 2011, the Township of Abington declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008, and,

WHEREAS, in accordance with Act 428 of 1968 each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED this 12th day of March, 2015, that the Board of Commissioners of the Township of Abington, Montgomery County, Pennsylvania, in accordance with the above-cited Municipal Records Manual, hereby authorizes the disposition of the public records as set forth in Exhibit "A" hereto.

TOWNSHIP OF ABINGTON

Attest:



Michael LeFevre, Secretary

By: 

Wayne C. Luker, President
Board of Commissioners

Bid Award – Sandblasting of the Penbryn and Crestmont Pools

Commissioner Spiegelman made a MOTION, seconded by Commissioner Jones to accept the lowest responsible bid of New Age Corporation in the amount of \$88,800.00 for the sandblasting and painting of both the Penbryn and Crestmont Pools. Funding for this project will come from 2014 Capital Account No. 07-24-800-7535. (Total budget for this project is \$95,000.00).

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

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

MOTION was ADOPTED 14-0.

Star Community Rating System

Commissioner Spiegelman announced that this item has been deleted.

FINANCE COMMITTEE:

Commissioner Kline announced that the Treasurer's monthly report is available for review in the Township Manager's Office upon request.

Expenditures/Salaries and Wages:

Motion to:

- (A) Approve the January expenditures as previously circulated to the Board, in the amount of \$1,949,491.96 and salaries and wages in the amount of \$2,226,455.50.
- (B) Authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of April 2015.

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

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

Roll call resulted in motion being passed 14-0. Commissioner Bowman was absent during roll call.

Training and Conference Expenses

Commissioner Kline made a MOTION, seconded by Commissioner Jones to approve the Advance and Travel Expense activity for January 2015 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and (\$3,989.54), respectively.

One-month expenses totaled \$3,989.54.

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

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

MOTION was ADOPTED 14-0.

Clearing Fund/Deferred Revenue and Expense/Petty Cash

Commissioner Kline made a MOTION, seconded by Commissioner Hecker 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.

January Petty Cash balances previously circulated to the Board.

Clearing fund receipts and disbursements for the month of January 2015 were \$620.06 and (\$2,872.70), respectively.

Deferred Revenue/Expense receipts and disbursements for the month of January 2015 were \$0.00 and (\$13,084.57), respectively.

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

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

MOTION was ADOPTED 14-0.

Additional Distribution of In-Lieu Fire Taxes for 2014

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to authorize an additional expenditure from 2014 Miscellaneous Expense in the Permanent Improvement Fund (Account No. 07-00-000-5999) in the amount of \$3,050.00 to be distributed equally among the five volunteer fire companies serving Abington Township (\$610.00 each company).

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

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

MOTION was ADOPTED 14-0.

Additional Expenditure from Unallocated Permanent Improvement Fund Balance

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to authorize and additional expenditure from Unallocated Permanent Improvement Fund Balance (Account No. 07-00-000-5999) in the amount of \$1,980.00 (2014 allotment) to be distributed equally (\$396.00 each) among the five volunteer fire companies serving Abington Township.

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

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

MOTION was ADOPTED 14-0.

PENSION COMMITTEE:

Resolution No. 15-014 – Restatement of Abington Township’s Police Pension Plan Investment Policy

Commissioner Hecker made a MOTION, seconded by Commissioner Gillespie to adopt Resolution No. 15-014, updating the Abington Township Police Pension Plan Investment Policy as prepared by Aon Investment Consulting.

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

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

MOTION was ADOPTED 14-0.

RESOLUTION NO. 15-014
Restatement of Investment Policy for
Abington Township Police Pension Plan

WHEREAS, the Township of Abington ("Employer") did, in fact, establish the Abington Township Police Pension Plan (the "Plan"); and,

WHEREAS, the "Employer" does, in fact, from time to time modify and/or amend said "Plan",

WHEREAS, any and all amendments and modifications to said "Plan" will adhere to all regulations as per Pension laws (Act 600 and Act 205),

WHEREAS, it is the intent of the "Employer" to update the investment policy to guide current and future plan administrators with investment guidelines, performance objectives, definition of duties and responsibilities, and standard procedures applicable to the management of the "Plan's" assets,

NOW, THEREFORE, BE IT RESOLVED this 12th day of March, 2015, that the Investment Policy for the Abington Township Police Pension Plan dated January 2015 as prepared by Aon Investment Consulting be adopted.

ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

By: Wayne C. Luker
Wayne C. Luker, President

ATTEST:

Michael LeFevre
Michael LeFevre, Secretary

Resolution No. 15-015 – Restatement of Abington Township’s Non-Uniformed Employees’ Pension Plan Investment Policy

Commissioner Hecker made a MOTION, seconded by Commissioner Gillespie to adopt Resolution No. 15-015, updating the Abington Township Non-Uniformed Employees Pension Plan Investment Policy as prepared by Aon Investment Consulting.

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

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

MOTION was ADOPTED 14-0.

RESOLUTION NO. 15-015
Restatement of Investment Policy for
Abington Township Non-Uniformed Employees' Pension Plan

WHEREAS, the Township of Abington ("Employer") did, in fact, establish the Abington Township Non-Uniformed Employees' Pension Plan (the "Plan"); and,

WHEREAS, the "Employer" does, in fact, from time to time modify and/or amend said "Plan",

WHEREAS, any and all amendments and modifications to said "Plan" will adhere to all regulations as per Pension laws (Act 205),

WHEREAS, it is the intent of the "Employer" to update the investment policy to guide current and future plan administrators with investment guidelines, performance objectives, definition of duties and responsibilities, and standard procedures applicable to the management of the "Plan's" assets,

NOW, THEREFORE, BE IT RESOLVED this 12th day of March, 2015, that the Investment Policy for the Abington Township Non-Uniformed Employees' Pension Plan dated January 2015 as prepared by Aon Investment Consulting be adopted.

ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

By Wayne C. Luker
Wayne C. Luker, President

ATTEST:

Michael LeFevre
Michael LeFevre, Secretary

COMMENTS FROM CITIZENS:

Raymond Bell, 2076 Parkview Avenue, recognized the accomplishment of Abington's High School Basketball Team this year especially Coach Charles Grasty, and he thanked them for a fine season.

Lora Lehmann, 1431 Bryant Lane, asked about information on a crime issue in her neighborhood.

Commissioner Kline replied a meeting has been set up by Deputy Chief Livingood and Chief Kelly that will be held on Thursday, March 19, 2015 at 7 p.m. in the boardroom to discuss those issues, and he asked for that meeting to be televised for residents, who cannot attend. He, along with Commissioner Markman will also be in attendance.

REMARKS OF COMMISSIONERS:

Commissioner DiPlacido thanked Mr. Ed Micciolo, Director of Public Works Department, Angelo Pontelandolfo and staff for the great job they did snowplowing from the 14-hour snowfall.

He announced that the McKinley Fire House Pancake Breakfast will be held on Sunday, March 15, 2015 from 8-12 p.m. and McKinley Elementary School will be holding a blood drive on Thursday, March 19, 2015 from 12:30 p.m. – 5:30 p.m.

There was a comment made by a speaker tonight that the 'Star Program is being funded by the Township' and that is not true at all. In fact, two representatives of the EAC will travel to Washington for this program and use funds from the sale of rain barrels. So no funding is coming from the Township for that program.

Also, "When driving through Abington, drive like your kids live here."

Commissioner Farren echoed comments made by Commissioner DiPlacido about Mr. Ed Micciolo and his staff of the Public Works Department on the amazing job they did with snow removal.

He congratulated all of the players of the Abington High School's Basketball Team, which is a testament to the students and the coaches.

He congratulated the Abington Township Fire Department and all of the new recruits.

He announced that there will be a blood drive at Copper Beech Elementary School on Wednesday, March 18, 2015 from 1-6 p.m. It is the "Pint Size Hero" for the American Red Cross, so every student who brings someone is recognized as a "Pint Size Hero."

Also, GYAC will be having a “Designer Bag Bingo” as a fundraiser for the Glenside Youth Athletic Club that will be held on Friday, March 13, 2015 at 6:30 p.m.

The Abington Soccer Team’s 5K will take place on Saturday, March 28, 2015.

The Glenside Garden Civic Association will be having a social at the Keswick Tavern on Monday, March 30, 2015.

Also, everyone in the Township received an email with a link to a newspaper article featuring Mr. Larry Matteo in which he was prominently mentioned along with his photo.

Commissioner Gillespie announced that that the “Keep the Parade Running” 5K Run/Walk will be held on April 11, 2015 beginning at the VFW in Glenside on Jenkintown Road.

She congratulated all of the new firefighters and as we have a fantastic Fire Department. We are so proud of them and they are all volunteers who do a great job.

She also congratulated Chipper Jones on his retirement as she has known him a long time.

She announced that we will be having “Coffee with a Cop” event on March 28, 2015 at the VFW in Glenside.

Commissioner Hecker echoed comments made about the Abington High School Basketball Team, and the girls’ basketball team plays tomorrow night at 7:30 p.m. against defending State Champs.

He thanked his fellow Board members for their support in addressing the issues on Rockwell Road and especially Chief Kelly and members of the Police Department for thinking outside of the box making the residents feel safer, and he appreciated it.

On April 18, 2015 in Overlook Hills at 9 a.m. an event that was organized by a neighbor Tina Carlson, who will be joined by members of the Environmental Advisory Committee as well as local scouting groups and some children of Overlook Elementary School, who will work to clean the stream and streambeds in Roychester Park. We are in need of additional help, so if anyone is interested, please contact him.

Commissioner Jones announced that he will be having “Java with Jones” on Saturday, March 14, 2015 at the Corner Café in the Huntingdon Valley Shopping Center from 9-11 a.m.

He thanked Mr. Ed Micciolo and the Public Works Department for a doing a fantastic job.

He announced that the Abington Art Center is a phenomenal gem in the Township that should be visited more.

He thanked those who worked on the subdivision that was approved tonight such as members of the Historical Society, members of the Planning Commission, Township staff, Mr. Matteo and his staff and various Commissioners especially Commissioner DiPlacido.

He also thanked Ms. Furey, a neighbor who identified a potential issue and brought it to everyone's attention making sure action was taken that helped protect her future neighbors, her existing neighbors and the Township.

Commissioner Kline announced that on Saturday, March 14, 2015 at 10 a.m. Commissioners from Montgomery County will be here in this boardroom to speak with residents.

Commissioner Zappone reminded his residents that the Third Annual Ardsley Family Day Pancake Breakfast will be held on Sunday, March 29, 2015 from 8 a.m. – 12-noon at the North Penn VFW. This year, we are partnering with the VFW and Commissioner Kalinoski for an Easter Egg Hunt and a visit from the Easter Bunny.

Commissioner Spiegelman commented that the women's basketball team is now in their third round of playoffs and they face State Champs so "Go Ghosts!"

He announced there will be a blood drive held on Sunday, March 15, 2015 at Abington Presbyterian Church from 8 a.m. – 1 p.m.

Animal Control Officer, Ron Griffith is such an unbelievable resource in this Township, and he is very much appreciated.

Staff of the Public Works Department did another phenomenal job this winter under taxing circumstances that came at awful times.

He thanked Mr. Micciolo and Mr. Pontelandolfo for their assistance with an issue in his ward.

He congratulated retiring Deputy Chief Chipper Jones and our Fire Department, which is truly exceptional and the work that the volunteers do and the overtime hours they work, and he gave a special shout out to the Abington Fire Company in Ward 11.

Commissioner Myers congratulated retiring Deputy Chief Chipper Jones as she has known him a long time as well, but she did not know until tonight that his name was Charles.

Commissioner Kalinoski congratulated the firefighters and the graduates and it was amazing to see so many firefighters fill this room.

He also congratulated Lew's Seafood Company, which is a company who gives back to the community.

He announced that on March 28, 2015 will be "Coffee with a Cop" at the VFW and everyone is invited. On March 29, 2015 will be the Easter Breakfast at 8 a.m. and the Easter Egg Hunt begins at 11 a.m. On April 10th CAPT will be holding "Design a Bag Bingo" at the VFW. April 11th is "Keep the Parade Running" event at the VFW, so come and join our team.

The 24-Hour Relay will begin soon and we are always looking for volunteers.

Also, every year the North Penn VFW places flags on Veterans' graves and we estimate placing 500 flags this year by Memorial Day.

Commissioner Schreiber announced that she, along with Chief Kelly co-chaired the Montgomery County Community Overdoes Task Force and we just submitted our preliminary report to the County Commissioners. We had a great multi-disciplinary team that worked on this that included Abington residents and the preliminary report is available on the Montgomery County website and it is an important issue. She thanked Chief Kelly for this really good endeavor.

She also announced that the Roslyn Film Festival is coming up on Saturday, March 28, 2015 with doors opening at 6:30 p.m. and show begins at 7 p.m. The audience votes on the short films and all proceeds go to the Roslyn Fire House. Commissioner Spiegelman will be hosting the red carpet conducting interviews.

Commissioner Luker thanked Mr. Charles Grasty, Coach of the Abington High School's Basketball Team, and Carter Grasty, who helped with the snowplowing under direction of Mr. Micciolo's Public Works Department, and he did a great job, so he gave a shout out to both Carter and Charles Grasty for excellent work done.

Mr. Mark Canty, who was a longstanding member of the Planning Commission, passed away recently and the service will be held on Monday, March 16, 2015 at Salem Baptist Church in Jenkintown.

Board of Commissioners Meeting

March 12, 2015

ADJOURNMENT: 10:00 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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Approved
4-9-2015