

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, June 11, 2015 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: Commissioners ZAPPONE, SPIEGELMAN, SANCHEZ, MYERS, MARKMAN, KALINOSKI, SCHREIBER, BOWMAN, DiPLACIDO, FARREN, GILLESPIE, HECKER (8:38 p.m.), JONES, KLINE, LUKER

Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
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
Supervisor of W.W.T.P. WRIGLEY
Fire Marshal CLARK
Planning & Zoning Official PENECALE

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT:

President Luker announced that an Executive Session was held on Thursday, June 11, 2015 on a personnel matter.

APPROVAL OF MINUTES:

Vice President Kline made a MOTION, seconded by Commissioner Speigelman to approve the minutes of the Board of Commissioners Meeting of May 14, 2015.

MOTION was ADOPTED 14-0.

PUBLIC WORKS COMMITTEE:

1500/1600/1700 Blocks - Old Welsh Road – Sanitary Sewer System

Commissioner Bowman made a MOTION, seconded by Commissioner Spiegelman to authorize the Engineering Department to proceed with quotes to prepare engineering and survey plans to sewer 1500/1600/1700 blocks of Old Welsh Road; to be funded from Sanitary Sewer Retained Earnings.

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

Abington Township Municipal Waste Transfer Station Radiation Detection Equipment Project

Commissioner Bowman made a MOTION, seconded by Commissioner Kalinoski to approve and enter into contract with Laurus Systems for the ABINGTON TOWNSHIP MUNICIPAL WASTE TRANSFER STATION RADIATION DETECTION EQUIPMENT PROJECT, in the amount of \$49,790.15; to be funded from Refuse Reserved Capital Fund.

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

Per-Diem Union Collective Bargaining Agreement (2016-2019)

Commissioner Bowman made a MOTION, seconded by Commissioner Kalinoski to approve a four-year Collective Bargaining Agreement with the Per Diem for the period January 1, 2016 thru December 31, 2019.

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

CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE:

PUBLIC HEARING - Ordinance No. 2093 – Ordinance to Amend Section 801.N of the Zoning Ordinance – Purpose to Regulate Seasonal Outdoor Sales within the Township

Commissioner Luker opened Public Hearing at 7:35 p.m.

Commissioner Luker called on Zoning Officer Mr. Mark Penecale.

Mr. Penecale said this ordinance was put brought forward at the request of several merchants in Abington Township. The draft amendment to Section 801.N of the current zoning ordinance was reviewed by the Township’s Planning Commission as well as the MCPC.

He gave a power point presentation to the Board reviewing Exhibit “A” that is attached to proposed Ordinance No. 2093. The proposal is to limit seasonal outdoor sales to only be permitted in the Town Commercial, Mixed Use, Special Commercial and Planned Business Districts. In addition, seasonal outdoor sales will be permitted once in any 90-day period and no more than twice a year. Seasonal outdoor sales will not be permitted within 1,000 feet of any business whose primary use is to sell such merchandise; it will not be permitted within a public right-of-way; and has to be 30 feet from any ADA accessible parking stall. The proposal does not restrict any nonprofit organization and it does not affect any religious/community service use or emergency service use.

The Township’s Planning Commission recommended that outdoor sales only be limited to businesses that have permanent use and occupancy permits in the Township and they also recommended a minimum distance between a popup vendor and brick and mortar business to be increased from proposed 1,000 linear feet to 2,000 linear feet.

Commissioner Luker asked for any comments from Commissioners.

Commissioner Bowman recused himself from the discussion/debate as well as from voting on this item.

Commissioner Kline questioned whether the 90-day period was included in the original advertisement of proposed ordinance.

Mr. Penecale replied yes.

Commissioner Zappone commented that previously discussed by the Board was the distance of 2,000 linear feet, so what happened to that?

Mr. Penecale replied Exhibit "A" states 1,000 linear feet and that is what was advertised. The recommendation of 2,000 linear feet was proposed by the Abington Township Planning Commission and the Board of Commissioners may amend it any way they see fit.

Commissioner Schreiber asked about food trucks at a special event.

Mr. Penecale replied food trucks were not included in proposed ordinance as they are licensed by Montgomery County Health Department and no special event permits were ever issued to food truck vendors operating in Abington.

Commissioner Kline asked if food-vendors park their trucks on private property are they subjective to this provision.

Solicitor Clarke replied this proposed ordinance amendment was written for outdoor seasonal sales of products and not in regards to food vendors, so this ordinance does not apply to food vendors or ice cream vendors.

Commissioner Schreiber asked for clarification on the 90-day provision.

Solicitor Clarke explained that permits are issued for 90-days or less and no more than two permits will be issued in any calendar year.

Commissioner Luker asked for any public comments.

Commissioner Thomas Bowman, 2946 Hammond Place, said he is speaking as a resident and clarified that the permit is good for 90-days. Is that correct?

Solicitor Clarke replied that is correct.

Commissioner Bowman commented that as a businessman, who would be affected by this ordinance, he requested that the distance of 1,000 linear feet remain.

Brigid Sparacio, owner of the Riviera D'Italia restaurant located at 1185 Easton Road, said although this ordinance does not pertain to food vendors, she does not want them parked near her business.

Commissioner Kline said if a food vendor was parked in Roslyn, and as long as they continue to pay a meter fee for the space and they are parked in the right-of-way and licensed by the County can they continue to do business there?

Solicitor Clarke replied yes, there is nothing in the code book to prevent it as long as they are meeting all requirements of the vehicle code; meeting all requirements of the health department; and parked legally.

Commissioner Kline questioned whether food vendors are required to obtain a business license in the Township.

Solicitor Clarke replied the Township has never required food vendors to obtain a business license. It is unclear as to whether or not the Township can require it as food vendors are regulated by the Department of Transportation and Department of Health.

Commissioner Myers commented that after speaking with the Township's Tax Collector, food vendors are required to register with the Tax Office.

Commissioner Farren directed Township Solicitor to research further the requirement of a food vendor obtaining a business license. Also, if the Board decided to include food vendors would it be within this ordinance or would a separate ordinance need to be drafted?

Solicitor Clarke replied a separate ordinance would be created as this ordinance is an amendment to the zoning ordinance and food vendors would be selling on public streets.

Commissioner Zappone asked how would food vendors be defined in an ordinance?

Solicitor Clarke replied the definition would need to be very clear and could not exclude one type of food vendor from another.

Commissioner Jones commented that food vendors are something that the Board will need to pay attention to in the near future.

Edith Schmid, owner of Elite Florals located at 1160 Bradfield Road, said she is the spokesperson for the owners of Penny's Flowers, Kremp's Florist and In Bloom Flowers, and the owners of these brick and mortar businesses have come before the Board several times over the years regarding this matter. The Township's Planning Commission recommended abolishing popup stands but, by doing that, it could cause legal issues. Also they indicated that 1,000 feet was unacceptable and suggested 2,000 feet. She, along with the other business owners urged the Board to amend the ordinance to 2,000 linear feet because at 1,000 feet, nothing changes.

Commissioner Kline questioned whether there would be any legal issue placing a blanket prohibition on popup stands.

Solicitor Clarke replied a complete and outright ban would not be constitutional.

Commissioner Myers suggested a compromise of 1,500 linear feet.

Commissioner Markman asked does that amendment need to be re-advertised?

Solicitor Clarke replied yes.

Commissioner Zappone commented that he supports 1,500 to 2,000 linear feet as the brick and mortar businesses pay taxes to the Township year round, and he has a major problem with popup stand vendors who do not.

Lora Lehmann, 1431 Bryant Lane, commented that she feels popup vendors do take away from the businesses.

Victor Krievins, 3505 West Moreland Road, commented that he was in favor of this ordinance and the popup vendors should be required to have a sales tax license and also liability insurance.

Jon Fox, 2115 Guernsey Avenue, said he supports the 1,500 linear feet requirement.

Commissioner Jones commented that he supports this ordinance in concept because there should be a level of accountability for businesses to pay taxes.

Commissioner Kline made a MOTION, seconded by Commissioner Spiegelman to close the public hearing.

MOTION was ADOPTED 13-0. Public Hearing was closed.

Commissioner Markman made a MOTION to amend the ordinance to say, "Seasonal or temporary outdoor sales of any articles, equipment or merchandise shall not be permitted within 1,500 linear feet of any structure wherein the primary use of the building, storefront or structure is the sale of such articles, equipment or merchandise, seconded by Commissioner Zappone.

MOTION was ADOPTED 12-1. Commissioner Gillespie opposed.

Commissioner Markman made a MOTION, seconded by Commissioner Zappone to re-advertise the amended ordinance.

MOTION was ADOPTED 12-1. Commissioner Gillespie opposed.

Ordinance No. 2095 – Ordinance to Amend (PB) Planned Business District Adding Paragraph 32 Student Apartment Housing Use (H-1)

Commissioner Sanchez announced that a Public Hearing is set for Wednesday, June 24, 2015 at 7:00 PM on Ordinance No. 2095. Purpose of the hearing is to amend the Zoning Ordinance to allow for Student Apartment Housing in the (PB) Planned Business District.

Commissioner Hecker entered the meeting at 8:38 p.m.

Ordinance No.3000 – Ordinance to Amend Chapter 98, Housing Standards, Section 98-2.A – Amendments to Standards

Commissioner Sanchez made a MOTION, seconded by Commissioner Myers to adopt Ordinance No. 3000 to amend Chapter 98, Housing Standards, Section 98-2.A Amendments to Standards, Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, watercraft, trailer or any parts shall not be permitted on any lawn, grass area.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kline clarified that this ordinance does not include bicycles, canoes, kayaks, etc. Is that correct?

Solicitor Clarke replied that is correct. It is for motor vehicles as defined in the ordinance. Bicycles are included in the Pennsylvania Vehicle Code so all bicyclists obey the rules of the road. Township's ordinance does not include them as motor vehicles and this ordinance would be enforced as a property maintenance matter and not a vehicle code matter.

Commissioner Gillespie clarified that enforcement would be complaint-driven. Is that correct?

Solicitor Clarke replied yes.

Commissioner Farren clarified that the ordinance was amended to eliminate the "right-of-way" and that includes front, back and side yards. Is that correct?

Solicitor Clarke replied that is correct.

Commissioner Farren commented that the feedback he received from residents was infringement on the rights of homeowners and he is uncomfortable with encroaching on the rights of the people in regards to deciding what they can or cannot put on their property. If there is a stone or gravel driveway could a vehicle be stored there?

Solicitor Clarke replied yes. The ordinance is written that if a driveway is stone or gravel there has to be a paved portion of it on the side of the property line before the stone or gravel portion of it.

Commissioner Jones commented that the majority of the emails from residents are in support of this ordinance, but a few indicated it would create a hardship, and that is a concern. However, if this continues and becomes blighted for the Township, what will happen five years from now. So he supports this ordinance with the reservation of what happens with those few people who may be hurt by it and how can we help them.

Commissioner Gillespie said residents are parking on their front lawns and it's getting out of hand and enforcement will be complaint-driven.

Mr. Matteo agreed that enforcement will be complaint-driven and this is a property maintenance issue. Staff will work Township residents in regards to any hardships, and there will also be accommodations made for special events as we work closely with Community Policing.

Chief Kelly added that as long as residents let the Police Department know about a special event we would give them a waiver. The issue is vehicles parked on the lawn in front of the house within sight from the street, but there are no concerns from the police about what is parked behind the house.

Commissioner Farren questioned whether this ordinance can just be for a prohibition of parking on front lawns.

Solicitor Clarke replied yes, the Board can limit prohibition to only front yards; however, changes will need to be made to other sections of the code as parking on the grass is a violation of certain portions of the code. This ordinance simplifies it and provides a notice provision and notice provision regarding penalties.

Commissioner Farren said since this already exists in the Township's code; why is this ordinance necessary?

Solicitor Clarke replied this ordinance clarifies a clear prohibition and listing it under property maintenance section makes it easier for notification, notices of violation and for attending hearings.

Commissioner Schreiber said the issue with limiting it to just front yards is there are sections of the Township where the homes are close together and when it is complaint-driven, complaints will be by neighbors who live on the side and back yards.

Commissioner Markman commented that in his opinion, the vast majority of the people who live in this Township do not want their neighbors parking their cars in their yards, so he fully supports this ordinance.

Commissioner Myers commented that she also supports this ordinance as many of the calls she receives about property maintenance is when someone is trying to sell their home and their neighbor's yard is affecting their ability to do so. This is a suburban Township that takes great pride in property maintenance and she would not want her neighbor to do anything that would affect the value of her home and the beauty of the neighborhood, and when a vehicle is parked on the front lawn, it is ugly.

Commissioner Jones agreed that it lowers property values and the vast majority of Abington residents are hurt by vehicles parked all over the place, but we should consider exemptions.

Solicitor Clarke said if exemptions are made for a property maintenance issue it will be difficult even if it is called a hardship because the Township is trying to maintain property.

Commissioner Jones said exemptions would be if someone has a non-motorized camper or boat that can be parked in the rear, and is that something that could be listed in the property maintenance code?

Solicitor Clarke replied exemptions could be made about what can be parked where, but other sections will need to be tweaked to deal with those exemptions and, for those who are opposed to the ordinance and decide to challenge it in court, the Board would be giving them their opening line in their argument.

Commissioner Luker asked for any public comment.

Lora Lehmann, 1431 Bryant Lane, expressed concern about residents not being allowed to speak at the beginning of the meeting.

Nicholas Mattiacci, 811 Township Line Road, commented that he lives on a busy street with no street parking and a narrow driveway, and he and his wife have to park one vehicle behind the other and we regularly use a small patch of grass in front of the house for a turnaround. If this ordinance passes, he would have to block her vehicle in and back out onto Township Line Road. Also, if a law such as this already exists, then he finds this to be a duplicate.

Michael Curtis Sr., 1137 Tyson Avenue, expressed concern that he feels this ordinance would negatively affect his large family functions.

Bill Cross, 2106 Wharton Road, commented that he stores a 23-foot boat that is covered on his property in the side yard and he does his best to keep his property maintained, and he hopes to be able to keep it that way.

Lee Charles Vighetti, 710 Harrison Avenue expressed concern that this ordinance is a violation of people's rights.

Donna Brewer, 1644 Arnold Avenue, asked is it proper protocol during a general Board of Commissioners meeting to open the meeting asking for any comments from citizens.

Solicitor Clarke replied that is not policy and procedure for general Board meetings. Public comments are taken on agenda items and comments from citizens on general matters at the end of the meeting.

Joyce Meder, 1209 Rosemont Lane, commented that if the Board wants to make its meetings community-friendly, they should allow people to speak first.

Commissioner Kline said in summary, there have been questions about permitting boats, trailers etc., and also about special events, which is not listed in the ordinance.

Chief Kelly said the issue of temporary occasions does not need to be in the ordinance as the officers use discretion with every ordinance of the Township.

Commissioner Markman questioned staff's opinion for boats parked in side/rear yards.

Mr. Matteo replied we enforce by-complaint only.

Commissioner Farren commented that this ordinance is too broadly written and he does not feel the ordinance will do anything to help staff of Code Enforcement Department. Also, just because a neighbor does not like the sight of something, does not mean it should be illegal, and he does not like the fact that a resident could be fined \$1,000 just because a neighbor does not want to see something on their property.

Commissioner Markman made a MOTION, seconded by Commissioner Bowman to adopt Ordinance No. 3000 to amend Chapter 98, Housing Standards, Section 98-2.A Amendments to Standards, Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, watercraft, trailer, or any parts shall not be permitted on any lawn, grass area – as written.

Commissioner Luker asked for a Roll Call vote to be taken as follows:

Commissioner Zappone voted yes.

Commissioner Spiegelman voted yes.

Commissioner Sanchez voted yes.

Commissioner Myers voted yes.

Commissioner Markman voted yes.

Commissioner Kalinoski voted yes.

Commissioner Schreiber voted yes.

Commissioner Bowman voted yes.

Commissioner DiPlacido voted yes.

Commissioner Farren voted no.

Commissioner Gillespie voted yes.

Commissioner Hecker voted no.

Commissioner Jones voted no.

Commissioner Kline voted no.

Commissioner Luker voted yes.

MOTION was ADOPTED 11-4.

TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 3000

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON AMENDING THE TOWNSHIP CODE OF
ORDINANCES AT CHAPTER 98, HOUSING STANDARDS, SECTION 98-2.A – AMENDMENTS TO
STANDARDS

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 enacted and ordained by adoption the BOCA National Property Maintenance Code/1993 (Fourth Edition), as amended from time to time, codified as Chapter 98 of the Code, entitled “Housing Standards;” and

WHEREAS, the Board of Commissioners has determined that Chapter 98 – “Housing Standards” Section 98-2.A - “Amendments to Standards” 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. The Board of Commissioners hereby amends portions of Chapter 98, Section 98-2.A of the Code, to add the following underlined text:

"PM-303.8 Motor vehicles. No property is permitted to have any motor vehicle which is not currently registered, not currently inspected, not currently insured and is not capable of being legally operated on the public street in compliance with the Pennsylvania Motor Vehicle Code. Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, vehicle, watercraft, trailer, or any parts thereof shall not be permitted on any lawn or grass area.

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

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

ORDAINED AND ENACTED this 11th day of June, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre
Michael LeFevre, Secretary

By: Wayne C Luker
Wayne Luker, President

Ordinance No. 2097 – Real Estate Registry – Vacant Properties

Commissioner Sanchez made a MOTION, seconded by Commissioner Jones to advertise Ordinance No. 2097 – Real Estate Registry – Vacant Properties to be scheduled at the regularly scheduled meeting of the Board of Commissioners on July 9, 2015 at 7:30 p.m.

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 15-0.

Ordinance No. 2098 – Ordinance enacting Chapter 49 – “Vacant Property Review Board”

Commissioner Spiegelman made a MOTION, seconded by Commissioner Jones to advertise Ordinance No. 2098 enacting Chapter 49 – “Vacant Property Review Board” to be scheduled at the regularly scheduled meeting of the Board of Commissioners on July 9, 2015 at 7:30 p.m.

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 15-0.

PUBLIC SAFETY COMMITTEE:

Ordinance No. 2099 – To Amend 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” and Section 28 – (Special Purpose Parking Zones)

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 2099 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”) and Section 28 (Special Purpose Parking Zones).

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 15-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2099

**AN ORDINANCE 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”
SECTION 28 – “SPECIAL PURPOSE PARKING ZONES”**

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 III – “Parking Regulations,” Sections 25 “Parking Prohibited At All Times; No Parking Between Signs; No Parking Here To Corner;

Parking Prohibited Except Certain Hours; No Stopping Or Standing” and 28 “Special Purpose Parking Zones,” 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:

- 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,” shall be amended to **add** the following restrictions:

Name of Highway	Side	Location
Harte Road	North	from Glen Road west to 1931 Harte Road

- Chapter 156 – “Vehicles and Traffic,” Article III, “Parking Regulations,” Section 28 – “Special Purpose Parking Zones,” shall be amended to **add** the following restriction:

Name of Highway	Authorized Purpose of Vehicle	Location
Mayfield Avenue	Handicapped Parking	2 feet east of the walkway to 200 Church Road

- All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
- This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 11th day of June, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre
Michael LeFevre, Secretary

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

Ordinance No. 3001 – To Amend 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” and Section 28 – (Special Purpose Parking Zones)

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to advertise Ordinance No. 3001 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”) and Section 28 (Special Purpose Parking Zones) for adoption at the regularly scheduled meeting of the Board of Commissioners on July 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 15-0.

PUBLIC AFFAIRS COMMITTEE:

Reallocation of Capital Funding

Commissioner Spiegelman made a MOTION, seconded by Commissioner Sanchez to approve the reallocation of \$10,000 from 07-24-800-7531 (Ardsley Center Burn Box Repair), to 07-24-800-7535 (Crestmont/Penbryn Sandblasting). Both accounts are Capital accounts. The projected expenditure to complete this project will be a maximum of \$10,000.

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 15-0.

Lubavitch of Abington Lease Extension – Alverthorpe Manor

Commissioner Spiegelman made a MOTION, seconded by Commissioner Farren to approve a one-year lease extension effective August 1, 2015 with the Lubavitch of Abington at Alverthorpe Manor at the rate of \$17,047 annually.

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 15-0.

Amendment to Clear Channel Outdoor Bus Shelter Agreement

Commissioner Spiegelman made a MOTION, seconded by Commissioner Kline to delete three bus shelters on Old York Road immediately in front of Abington Hospital (two southbound, one northbound) from the Clear Channel agreement and allow Abington Hospital to erect, operate and maintain bus shelters at these locations.

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, requested that the amount of \$4,000 is included in the agreement.

MOTION was ADOPTED 15-0.

Pennsylvania Child Protection Services Law Funding

Manager LeFevre asked for the Board's consideration to TABLE this item until next month as there were a number of changes made by the State Legislature as well as another Bill pending in the Judiciary Committee that may exempt First Responders.

Commissioner Markman made a MOTION, seconded by Commissioner Spiegelman to TABLE this item until next month.

MOTION to TABLE – PASSED 15-0.

Economic Development Pennsylvania Local Share Account Grant

Commissioner Spiegelman made a MOTION, seconded by Commissioner Sanchez to adopt Resolution No. 15-022 approving Abington Township to submit an application to the Department of Community and Economic Development (DCED) for the Pennsylvania Local Share Account Grant in the amount not to exceed \$142,500.00 to be used to acquire 1100 and 1102 Old York Road.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Markman clarified that the amount of \$142,500 is what will be added to the total amount needed to purchase the property. Is that correct?

Assistant Township Manager Wehmeyer replied yes.

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that “there are other things in the Pennsylvania Share Grant that might apply such as for the Crestmont Community Center or the planning of it,” and she asked for the Board to vote no until we can see all of the possibilities of how this could help the community.

Louise E. Twyman, 1672 Franklin Avenue, asked after this property is acquired what will it be used for?

Commissioner Spiegelman replied these properties are located at the northwest corner of Old York Road and Susquehanna that jut out into the intersection and are responsible for the misalignment of Susquehanna Road, so there is no proper left turn lane on Susquehanna to turn northbound onto Old York Road, which is the worst intersection in the Township. He asked his fellow Board members for their support on this item.

Commissioner Markman commented that he was not aware there was a need for a community center in Crestmont until he viewed the last Public Affairs Committee meeting. He sits on the Montgomery County Redevelopment Authority Board and he proposed helping to see what grants are out there to assist with a community center project.

Donna Brewer, 1644 Arnold Avenue, asked after the buildings are torn down will it resolve the issue at that intersection?

Chief Kelly replied it will be the beginning of reconfiguring that intersection.

MOTION was ADOPTED 15-0.

**ABINGTON TOWNSHIP
RESOLUTION NO. 15-022**

**A RESOLUTION OF ABINGTON TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
REQUESTING A PENNSYLVANIA GAMING LOCAL SHARE ACCOUNT GRANT
AND DESIGNATING AN OFFICIAL TO EXECUTE ALL DOCUMENTS**

WHEREAS, the Board of Commissioners of the Township of Abington desires to request a Pennsylvania Gaming Local Share Account grant in the amount of \$142,500, representing 75% of the total project cost from the Commonwealth Financing Authority; and

WHEREAS, the Board of Commissioners of the Township of Abington intends to use the grant funds for the purpose of purchasing 1100 and 1102 Old York Road, Abington Township, Montgomery County, Pennsylvania, in order to support the vision of the Old York Road / Susquehanna Road project and Multimodal Grant application (to be submitted on or before July 2015) which will address the alignment of the intersection of Old York Road and Susquehanna Road, enhance traffic flow, and provide better access in turning onto Old York Road; and

WHEREAS, the Board of Commissioners of the Township of Abington desires to designate an official to execute all necessary agreements and documentation related to the grant.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Abington, Montgomery County does hereby request a Pennsylvania Gaming Local Share Account grant in the amount of \$142,500 for the purpose of purchasing 1100 and 1102 Old York Road, Abington Township, Montgomery County, Pennsylvania for the reasons outlined above.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Abington township does hereby designate Wayne C. Luker, President of the Board of Commissioners and

Michael LeFevre, Township Manager, as the official(s) authorized to execute all documents and agreements between the Township of Abington and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

RESOLVED and **ADOPTED** this 11th day of June, 2015.

ABINGTON TOWNSHIP

Wayne C. Luker
Wayne C. Luker, President
Board of Commissioners

I, Michael LeFevre, duly qualified Secretary of the Township of Abington, Montgomery County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Board of Commissioners at a regular meeting held on June 11, 2015 and said Resolution has been recorded in the minutes of the Township of Abington and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Township of Abington this 11th day of June, 2015.

Michael LeFevre

Michael LeFevre, Secretary

Name of Applicant: Township of Abington

County: Montgomery

FINANCE COMMITTEE:

Township Treasurer's Report:

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

Expenditures/Salaries and Wages

Motion to:

- (A) Approve the April expenditures as previously circulated to the Board, in the amount of \$1,900,203.71 and salaries and wages in the amount of \$1,764,791.34.
- (B) Authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of July 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 15-0.

Training and Conference Expenses

Commissioner Kline made a MOTION, seconded by Commissioner Hecker to approve the Advance and Travel Expense activity for April 2015 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$6,276.39, respectively.

Four-month expenses totaled \$15,662.71.

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 15-0.

Clearing Fund/Deferred Revenue and Expense/Petty Cash

Commissioner Kline made a MOTION, seconded by Commissioner Jones to approve the Clearing Fund, the Deferred Revenue/Expense activity and Petty Cash balances for the month of April as previously circulated to the Board.

April Petty Cash balances previously circulated to the Board.

Clearing fund receipts and disbursements for the month of April 2015 were \$885.16 and (\$1,945.66), respectively.

Deferred Revenue/Expense receipts and disbursements for the month of April 2015 were \$41.18 and (\$0.00), 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 15-0.

Acceptance of 2014 Township of Abington Financial Statements, Single Audit Report, Tax Office Financial Statements and Agreed Upon Procedures

Commissioner Kline made a MOTION, seconded by Commissioner Jones to accept December 31, 2014 Township of Abington Audited Financial Statements, Single Audit Report, Tax Office Financial Statements and Agreed Upon Procedures, as presented by Township independent auditors, Barbacane, Thornton & Company, LLC.

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 15-0.

Electric Generator Selection

Commissioner Kline made a MOTION, seconded by Commissioner Spiegelman to authorize the execution of new electric generator and transmission agreements for all Township electric accounts based on the results from the Request for Proposal or competitive price quotations received on June 11, 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 15-0.

PENSION COMMITTEE:

Resolution No. 15-021 – Amendment to Article IV Section 4.03 Abington Township Police Pension Plan

Commissioner Hecker made a MOTION, seconded by Commissioner Jones to adopt Resolution No.15-021, amending the Police Pension Plan Document for disability benefits.

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 15-0.

RESOLUTION NO. 15-021

AMENDING POLICE PENSION PLAN DOCUMENT
PERTAINING TO DISABILITY BENEFIT

WHEREAS, the Township of Abington (the "Employer") previously established, by Resolution dated January 1, 2001, the Police Pension Plan for the Township of Abington (the "Plan"); and

WHEREAS, the applicable statute provides that the establishment of such pension plan may be made by Ordinance or Resolution; and

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

WHEREAS, any and all amendments and modifications to the "Plan" are required to adhere to all regulations as per applicable pension law (Act 600); and

WHEREAS, the "Employer", elects to amend Article IV entitled "Retirement Benefits", Section 4.03 entitled "Disability Benefits", and

WHEREAS, this amendment will be effective January 1, 2015;

NOW, THEREFORE, BE IT RESOLVED, this 11th day of June, 2015, that Article IV, Section 4.03 shall be amended in its entirety to read as follows:

ARTICLE IV

RETIREMENT BENEFITS

- 4.03 Disability Benefit. In the case of the payment of pensions for permanent injuries incurred in service, the amount and commencement of the payments shall be fixed by regulations of the governing body of the Township of Abington Police Department and shall be calculated at a rate no less than fifty per centum of the member's salary at the time the disability was incurred, provided that any member who receives benefits for the same injuries under the Social Security Act (49 Stat. 620, 42 U.S.C § 301 et. seq.) shall have his disability benefits offset or reduced by the amount of such benefits.

TOWNSHIP OF ABINGTON

By: Wayne C. Luker
Wayne C. Luker, President
Board of Commissioners

ATTEST:

Michael LeFevre

Michael LeFevre, Secretary

VOLUNTEER BOARDS AND COMMISSIONS:

Commissioner Luker announced that the Library Board recommended appointment of candidate Brian Mays. He asked for any other nominations. There were none.

Commissioner Luker made a MOTION, seconded by Commissioner Kline to appoint Brian Mays as a member of the Library Board of Trustees to fill unexpired term of JoAnn Werthner until December 31, 2016.

MOTION was ADOPTED 15-0.

COMMENTS FROM CITIZENS:

Joyce Meder, 1209 Rosemont Lane, said she has a petition in regards to the poles at Memorial Field from the neighbors of the Rosemont Lane, who object to the fulltime presence of new netting apparatus that were installed in April 2015. We were told they would only be used when the field was in operation, but there has not been any activity at this end of the field. We were told that poles and netting could projectile in high winds, which could cause injury or damage to property. Also, the neighbors made calls about getting the grass cut as well as complaints about noise of construction; the smell; and the dust. She also expressed concern about excess water running down Rosemont Lane.

Louise E. Twyman, 1672 Franklin Avenue, thanked the Commissioners who answered her request and she also thanked the neighbors who came here this evening in support. She feels hopeful that "Crestmont will not be ignored any longer."

Donna Brewer, 1644 Arnold Avenue, thanked the Commissioners for listening to her last week. No one here is against the concept of a PAL Center; however, our concern is that our community has been disenfranchised and our young people do not have anywhere to congregate. We have been asking for a community center for a long time and, because Commissioner Markman said there are grants available and he is willing to help, gives us hope that something can be done to get a community center.

Victor Krievins, 3505 West Moreland Avenue, commended Chief Kelly and the Police Department for the phenomenal job they did regarding solicitors who "sneak" into our Township.

William Hall, 1576 Fairview Avenue, Pastor of Willow Grove Seventh-Day Adventist Church, said he is here with community members to support the community center and Crestmont is a high crime area and many people have moved away because of the drug problem. It is imperative to have a community center not only for our young people, but for people of age to help uplift and encourage the people who live there.

Michael Curtis, Sr., 1137 Tyson Avenue, thanked the Police Department for doing an outstanding job.

Lora Lehmann, 1431 Bryant Lane, asked for a copy of the speaking rules. Also, she expressed concern about long discussions during public hearings.

REMARKS OF COMMISSIONERS:

Commissioner Bowman reminded everyone to come out for the 4th of July parade.

Commissioner DiPlacido said, "When driving through Abington, please drive like your kids live here."

Commissioner Farren announced that T-shirts are for sale to support the July 4th parade.

Commissioner Gillespie announced that the Greater Glenside Patriotic Association's 4th of July celebration begins with a children's program at Renninger Park at 10 a.m. Parade begins at 4 p.m. with fireworks to be held at the high school.

Commissioner Hecker reminded everyone to lock their car doors at night as he failed to do so last Thursday night and his car was broken into along with seven others. He thanked the Police Department for their incredibly rapid response including Lt. Hochwind.

Commissioner Jones announced that the McKinley Fire Company's Annual 4th of July parade will begin at 9:15 a.m.

Also, he thanked residents, Abington Police and others who assisted with the St. Michael's Church event

He thanked Tim Clark and Mike Powers, who worked with the EAC, Tookany, Tacony Frankford Watershed Foundation and residents for solving a creek-bed issue that saved the Township money.

He thanked Ed Micciolo for his assistance with a number of issues in his ward.

He thanked Chief Kelly, Lt. Malloy and others who came to Salem Baptist Church this past Monday for a "Save Our Streets" Task Force meeting, which is a program that will bring together Police Officers from various municipalities to meet with young people and do role playing and look at ways to build relationships.

Commissioner Kline announced that a public meeting for the Master Bicycle Plan for the Township was held last Monday and proposed bike paths through the Township will be posted on Township website as well as there will be a Facebook page to follow.

Commissioner Spiegelman reminded that on June 18, 2015 will be the Township's Blood Drive.

He congratulated Abington Senior High School Class of 2015, who graduated last night. Also, he gave a shout out to all of the 6th graders of Copper Beech and Highland Elementary Schools, who will be moving on to 7th grade.

He wished everyone a "Happy 4th of July."

Commissioner Sanchez announced that Abington Township was selected by Montgomery County officials for a walkability audit and this will focus around the Noble Train Station. The walking audit will take place on June 30th from 4-6:30 p.m. beginning at Curds & Whey Restaurant located at 817 Old York Road.

Commissioner Kalinoski announced that today the VFW lost a great friend, Drew Amici, who was Vietnam Veteran and he will be missed.

Commissioner Schreiber reminded everyone about the Roslyn Pet Fair that will be held this coming Saturday at the Living Word Lutheran Church on Easton Road from 10-1 p.m.

Mr. Ed Micciolo, Director of Public Works announced that on June 20th from 9-1 p.m. will be the Electronics Recycling Collection event at the Highway Yard. Televisions will be accepted for a \$20 charge.

He also announced that on Friday, July 3rd is a holiday and no trash will be collected, and on July 11th is the Shredding Event.

Commissioner Luker said last month, he forgot to thank Fire Chief Dale Jonas of the Roslyn Fire Company for his assistance with the VFW Post 3398 new Commander retired Detective Sergeant Will Holt in conjunction with Memorial Day and Flag Day.

Also, he received a special request from one of his constituents, Mrs. Margaret Pinder Bing to thank Mr. Larry Matteo and the Board of Commissioners for sending an exquisite floral arrangement to her during her period of bereavement.

He announced that on Friday, June 26, 2015, the First Baptist Church of Crestmont will be celebrating their 105th Year Anniversary.

ADJOURNMENT: 10:09 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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