

The stated meeting of the Public Safety Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, March 4, 2015 at the Township Administration Building, Abington, PA., with Commissioner Schreiber presiding.

CALL TO ORDER: 7:01 p.m.

ROLL CALL: Present: Commissioners SCHREIBER, DiPLACIDO, BOWMAN, FARREN, SR

Excused: KALINOSKI

Township Manager LEFEVRE

Assistant Township Manager WEHMEYER

Township Solicitor CLARKE

Fire Marshal CLARK

Chief of Police KELLY

Traffic Safety Officer FREED

Also Present: Commissioners LUKER, MYERS, HECKER, SANCHEZ, JONES, JR

MINUTES: Commissioner Schreiber made a MOTION, seconded by Commissioner DiPlacido to approve the minutes of the February 4, 2015 Public Safety Committee Meeting.

MOTION was ADOPTED 4-0.

Police Department Report: No report.

SARS Assistant Chief of Operations:

Assistant Chief Rich Garrett reported statistics for 2014, the Second Alarmers responded to 5,407 9-1-1 calls in Abington Township and 3,311 of those calls were transports to the hospital; 45 were medical; 390 were fire and the others were motor vehicle crashes. Next month, we will have a life-saving award presentation.

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 Farren 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 Schreiber asked for any comments from Commissioners. There were none.

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

MOTION was ADOPTED 4-0.

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 DiPlacido 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 Schreiber asked for any comments from Commissioners.

Commissioner Hecker thanked Chief Kelly and Traffic Safety Officer Freed for their work to address this issue, which is a broader approach to traffic/pedestrian safety on Rockwell Road.

Commissioner Myers commented that while she understands this being done, it normally isn't, and she asked, before Chief Kelly and Traffic Safety Officer Freed take any more requests for traffic speed reduction on other roads, that it is carefully studied to see whether it will truly make a difference.

Chief Kelly replied that is done with every case and usually we adhere to PennDOT's standards, but on occasion, we have felt that the totality of circumstances required deviating from those standards slightly.

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

MOTION was ADOPTED 4-0.

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 Farren 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 Schreiber asked for any comments from Commissioners. There were none.

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

MOTION was ADOPTED 4-0.

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 Bowman 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 Schreiber asked for any comments from Commissioners.

Commissioner Sanchez questioned whether the \$35 fee is permissible by law.

Township Solicitor Clarke replied the ordinance as written is legal and enforceable. It protects the Township from any liability and places proper responsibility for collection of the debt onto a third party collection agency whose actions are independent from the Township.

Commissioner Sanchez clarified that \$35 is the fee that pays the collection agency to collect fines. Is that correct?

Solicitor Clarke replied that is correct.

Commissioner Schreiber asked Solicitor Clarke to explain this further so everyone understands it.

Solicitor Clarke explained that this is a fee that is added after repeated notices are ignored by not responding or by not paying the fine. When it is sent to collection that is when the \$35 fee is being added. Ample notices are sent beforehand and there are many opportunities to pay the fine and it is almost three months before it will be sent to collection agency. The third party collector needs to be paid somehow and their pay is based on this \$35 fee.

Commissioner Farren asked how the firm of Municipal Collections of America was chosen as the collection agency.

Traffic Safety Officer Freed replied several months ago, an ordinance was passed by the Board to permit a third party collection agency to collect fines, and after 79 days, and no payment has been received, fines are sent to collection agency.

Commissioner Farren clarified that MCOA suggested that the Township include a \$35 fee in the ordinance. Is that correct?

Traffic Safety Officer Free replied yes, the \$35 fee is to pay them for their work and the \$100 collected goes back to the Red Light Camera Program.

Commissioner Hecker said when initial notice is sent to the violator, is there any language indicating that, if they fail to pay after 79 days, it will be turned over to collection agency and may be subject to an additional \$35 fee?

Traffic Safety Officer Freed replied yes, and three notices are sent before it is sent to the collection agency.

Chief Kelly added that Township's Traffic Safety Department is open to addressing any issues, controversy or conflicts that arise, and since this is a civil process, we have more latitude. In cases where it was inappropriate for a citation to be issued, they will take action to deal with it when there is just cause.

Commissioner Myers asked if a violator contacts their Commissioner or the Red Light Camera Company or the collection agency indicating they are not able to pay the fine or the entire amount can a payment plan be set up for them?

Traffic Safety Officer replied they do not set up a payment plan, but will take any payment that can be made and will continue to send notices as long as they continue making payments monthly.

Commissioner Jones asked do fines have the potential to negatively impact individuals' credit rating.

Solicitor Clarke replied yes, a collection agency has the ability to report it to a credit bureau.

Commissioner Jones asked if payments are made would their credit still be impacted negatively?

Solicitor Clarke replied once a delinquent fine is sent to collections, it is up to the collection agency to lawfully collect the debt.

Commissioner Schreiber asked for any public comments.

Raymond Bell, 2076 Parkview Avenue, commented that he has been in collections for 50 years and in his opinion this has ramifications to being susceptible to violations of the FDCPA (Fair Debt Collection Practices Act). Municipal Collections of America of Illinois are not a member of the Better Business Bureau and had 23 complaint issues listed against them and eight were closed in the last 12 months. There are 18 complaints listed on the Consumer Financial Protection Bureau website and six of those 18 were listed in 2015.

MCOA are located in Illinois and they are required to be bonded for \$25,000 and also have an agency license and the Township should make sure their bond and license are current. The amount of \$35 must be disclosed to the debtor of that debt. Enforcement depends on what is disclosed in the agreement once that fine is levied.

He also suggested that by including the amount and/or the name of the agency in the ordinance may not be in the interest of the Township as it could change and then the ordinance would need to be changed. Additional fees/costs may be added to the outstanding balance as provided in written disclosure to the owner obligor creating the debt and said disclosure may contain additional collection pursuit to a third party agency and/or attorney representing the Township and any additional costs permitted by law, which would cover the Township, in his opinion.

The Township should get copies of letters the agency will use on its behalf and copies of when accounts are sent back to the Township and require the agency to notify the Township of any lawsuits filed against them including any State or Federal action.

Also, require the agency to remit weekly and not monthly and get copies of the agency's date and security policies and procedures particularly in the event they lose power and copies of letters they will use on behalf of the Township.

Solicitor Clarke replied that the last comments raised by Mr. Bell's are policy issues that the Board may want to consider. He agreed that the Township should make sure the agency's license and bond are up-to-date and it should be on file and know when it expires.

He would recommend against inserting general language in the ordinance as it would be better to list the name of the company as well as list the amount and, if that changes, Township staff can bring that before the Board.

Federal courts in this area have not addressed the issue of whether or not these types of fines are considered debts under the Fair Debt Collection Practices Act, but Federal courts throughout the United States have uniformly held that fines are not considered debts. These fines are not considered a debt they are considered a fine, so the FD CPA does not apply in this instance.

Lora Lehmann, 1431 Bryant Lane, asked for a place for comments to be made about the Red Light Camera Program.

MOTION was ADOPTED 4-0.

DARE Program Grant

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

Commissioner Schreiber called on Chief Kelly.

Chief Kelly noted that a change has occurred whereas the State has reduced the amount of funding for the D.A.R.E. Program and, while the School District and Police Department are committed to continuing the program, the reduction has cut into the program. CAPT (Citizens and Police Together) are offering this grant to enable this program to continue for students, so we would not have to come before the Board to request additional funding.

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

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

MOTION was ADOPTED 4-0.

Commissioner Schreiber asked for any comments relating to Public Safety.

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Lora Lehmann, 1431 Bryant Lane, asked for information about burglaries in her neighborhood.

Manager LeFevre replied he will provide the resident with that information after the meeting.

ADJOURNMENT: 7:39 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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