

Board of Commissioners Meeting

August 13, 2015

The stated meeting of the Board of Commissioners of the Township of Abington was held on Thursday, August 13, 2015 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:30 p.m.

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

Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
Township Tax Collector BLUMENTHAL
Assistant Legal Counsel GALLAGHER
Chief of Police KELLY
Township Engineer POWERS
Zoning & Planning Official PENECALE
Director of Parks and Recreation WENDELL
Director of Public Work MICCIOLO
Director of W.W.T.P. WRIGLEY
Community Development Director STROTHER

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT:

President Luker announced that an Executive Session was held on August 13, 2015 to discuss a personnel matter.

APPROVAL OF MINUTES:

Acting Vice President, Commissioner Schreiber made a MOTION, seconded by Commissioner Spiegelman to approve the minutes of the Board of Commissioners Meeting of July 9, 2015.

MOTION was ADOPTED 13-0.

PUBLIC WORKS COMMITTEE:

Final Payment for Contract No. 142 – Sanitary Sewer Pipe Lining

Commissioner Kalinoski made a MOTION, seconded by Commissioner Spiegelman to authorize the payment of \$48,317.27 to National Water Main Cleaning Company as final payment for the Sanitary Sewer Pipe Lining contract to be funded from Account No. 17-10-851-7479.

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 13-0.

Abington Township Municipal Waste Transfer Station Radiation Detection Equipment Project

Commissioner Kalinoski made a MOTION, seconded by Commissioner Jones to approve final payment to Laurus Systems for the Abington Township Municipal Waste Transfer Station Radiation Detection Equipment Project, in the amount of \$6,180.00; 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 13-0.

Shady Lane Guide Rail

Commissioner Kalinoski made a MOTION, seconded by Commissioner Jones to approve payment to Associated Paving Contractors for the repair of the Shady Lane Guide Rail in the amount of \$17,575.00; to be funded from Contingency Fund. The Township will seek reimbursement from Geico Insurance Company for the accident.

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 13-0.

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 with the Township

Commissioner Luker opened Public Hearing at 7:33 p.m.

Commissioner Luker called on Assistant Legal Counsel Gallagher.

Ms. Gallagher explained that this matter was previously before the Board, and since then, there was a change made to the ordinance increasing the minimum distance between outdoor sales vendors and principal use buildings from 1,000 feet to 1,500 feet. Due to that change, the public hearing was re-advertised for this evening.

Mr. Penecale added that the ordinance was properly advertised and he has a copy of the proof of publication from Montgomery News validating the advertised amended ordinance.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Luker asked for any public comments.

Edith Schmid, owner of Elite Florals, 1160 Bradfield Road, asked for a roll call vote to be taken on the adoption of this ordinance.

Peter Mardinly, Esquire, 900 West Sproul Road, Suite 101, Springfield PA., 19064, said he represents Holiday Plants Inc., who has done business on a seasonal basis in Abington Township for 34 years. Prior to the change from 1,000 to 1,500 feet, the four existing locations that have been used for many years would not be impacted. This is a zoning ordinance and this is a prior nonconforming use and, once this goes into effect, we ask for assurance that those prior locations will still be permitted

There are no other businesses given protection by saying, “there cannot be competition from another commercial business.” This is not in our estimation about exercise of the zoning power prohibiting competition and we object to the terms of the ordinance in that respect. This business has paid taxes to Abington Township in which there is a long record of it.

In terms of this ordinance; if the next step is to say that at certain locations this existing longstanding seasonal business is no longer permitted to rent properties and operate a business, we object to that because it is an existing nonconforming use and intend to continue to exist. They work on Easter and Mother's Day and we submit they are protected by the existence of that use today and, if this ordinance is passed, as it is currently constituted tomorrow.

Commissioner Markman questioned whether Township Solicitor has looked into that issue.

Ms. Gallagher replied yes, we are currently looking into it as it is legal issue, and no determination has been made yet. However, either way it is decided, it would not affect the terms of this ordinance.

Commissioner Kalinoski questioned whether Holiday Plants Inc. is a registered business of the Township.

Mr. Mardinly replied yes, they are.

Commissioner Kalinoski questioned whether Holiday Plants Inc. has long term leases with property/business owners.

Mr. Mardinly replied there are four locations where Holiday Plants Inc. has operated for a long period of time and will continue to do business there.

Commissioner Kalinoski asked for those four locations?

Mr. Penecale replied the dry cleaners at the intersection of Easton Road and Brookdale Avenue; the gas station at the intersection of Susquehanna and Easton Roads; the gas station at the intersection of Old York Road and Highland Avenue; and a gas station at the intersection of Old York Road and Moreland Road.

Commissioner Kalinoski clarified that Holiday Plants Inc. has requested to be grandfathered-in to continue doing business at those four locations. Is that correct?

Mr. Penecale replied yes.

Commissioner Markman added that, if the ordinance is adopted and Holiday Plants applies for a permit, then the Zoning Officer and Township Solicitor will need to determine whether or not it is a preexisting nonconforming use. If it is a legal preexisting nonconforming use, then they will be permitted to continue to operate; however, if it is not, they will not be permitted to continue operating in Abington Township.

Commissioner Myers commented that three of the locations are LukOil gas stations and, if there is an opportunity to make a little more money they will do so, but she feels they do not count on it and, if Holiday Plants Inc. decides not to use a particular location, they will not be paying LukOil. So the “grandfathering” is exactly what we do not want as the spirit of this ordinance is to protect the Township’s brick and mortar businesses. We need to protect those business owners who are doing business yearly in Abington Township.

However, if a business of the same nature moves in next door to another business, the Township has no say over it, so competition is alive and well in Abington Township.

Commissioner Jones clarified that a preexisting nonconforming use is only specific to that particular property. Is that correct?

Ms. Gallagher replied that is correct. The use runs with the property and, if the property owner sells their business to another individual, they would be able to continue that same use on that property.

Commissioner Jones asked is there any data showing that Holiday Plants Inc. has never missed a holiday selling their goods at those locations over the many years they have been there.

Mr. Penecale replied no.

Ms. Gallagher added that the determination as to whether or not the individual use is a preexisting nonconformity will depend on specific facts.

Commissioner Zappone asked Mr. Mardinly if the vendor at the Ardsley Train Station has a lease with SEPTA to setup shop.

Mr. Mardinly replied he does not think the company that he represents operates at that location.

Commissioner Zappone asked how can we find out that information?

Mr. Penecale replied once the ordinance is passed vendors will need to apply for a permit.

Commissioner Spiegelman asked who will make the determination as to whether or not to “grandfather” this preexisting nonconforming use?

Ms. Gallagher replied it will be a legal determination.

Commissioner Spiegelman asked for the terms of the permit application under this ordinance.

Ms. Gallagher replied the ordinance gives the applicant flexibility to request that a permit be good for a certain period of time such as one day or the maximum 90-days.

Township Treasurer Blumenthal said he collects taxes from Holiday Plants Inc. and he also collects taxes from LukOil and he seriously doubts they show rental income as a result of a lease.

Commissioner Luker closed Public Hearing at 7:51 p.m.

Commissioner Luker made a MOTION, seconded by Commissioner Myers to adopt Ordinance No. 2093 to amend the Abington Township Code, Chapter 162, entitled, Zoning, Article VII, Supplemental District Regulations, Section 801. N - "Display and Storage of Goods" at the regularly scheduled meeting of the Board of Commissioners on August 13, 2015 at 7:30 p.m.

Commissioner Luker asked for a roll call vote to be taken on the motion on the floor as follows:

Commissioner Zappone voted yes.

Commissioner Sanchez voted yes.

Commissioner Myers voted yes.

Commissioner Markman voted yes.

Commissioner Kalinoski voted yes.

Commissioner Schreiber voted yes.

Commissioner DiPlacido voted yes.

Commissioner Farren voted yes.

Commissioner Gillespie voted yes.

Commissioner Hecker voted yes.

Commissioner Jones voted yes.

Commissioner Spiegelman voted yes.

Board of Commissioners Meeting

August 13, 2015

Commissioner Luker voted yes.

MOTION was ADOPTED 13-0. Commissioners Kline and Bowman were absent during roll call vote.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2093

**AN ORDINANCE AMENDING THE ABINGTON TOWNSHIP CODE AT
CHAPTER 162 – “ZONING”
ARTICLE VIII – “SUPPLEMENTAL DISTRICT REGULATIONS”
SECTION 801.N – “DISPLAY AND STORAGE OF GOODS”**

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

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

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” Article VIII – “Supplemental District Regulations,” Section 801.N – “Display and Storage of Goods,” 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 162 – “Zoning,” Article VIII – “Supplemental District Regulations,” Section 801.N – “Display and Storage of Goods,” shall be amended in its entirety as reflected in Exhibit “A” attached hereto, with the underlined text indicating the amended portions of the Code.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with

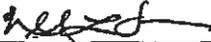
this Ordinance are hereby repealed.

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

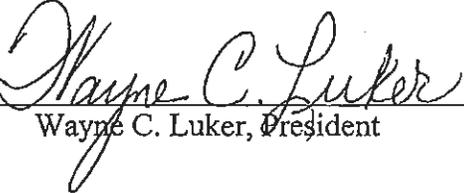
ORDAINED AND ENACTED this 13th day of August, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:



Michael LeFevre, Secretary

By: 

Wayne C. Luker, President

Public Hearing Resolution No. 15-024 – Transfer of Liquor License No. R-19572 –
Oreland Associations II, LLC – Bernie’s Restaurant

Commissioner Luker opened Public Hearing at 7:52 p.m.

This public hearing was transcribed by Thomas P. Corcoran.

Commissioner Luker closed Public Hearing at 8:03 p.m.

Commissioner Luker made a MOTION, seconded by Commissioner Spiegelman to adopt Resolution No. 15-024 for the transfer of Liquor License No. R-19572 for use by Oreland Associates II, LLC in the operation of Bernie’s Restaurant at 391 Highland Avenue, Jenkintown, PA at a regularly scheduled meeting of the Board of Commissioners on August 13, 2015 at 7:30 p.m.

Commissioner Luker asked for a roll call vote to be taken on the motion on the floor as follows:

Commissioner Zappone voted yes.

Commissioner Sanchez voted yes.

Commissioner Myers voted yes.

Commissioner Markman voted yes.

Commissioner Kalinoski voted yes.

Commissioner Schreiber voted yes.

Commissioner DiPlacido voted yes.

Commissioner Farren voted yes.

Commissioner Gillespie voted yes.

Commissioner Hecker voted yes.

Commissioner Jones voted yes.

Commissioner Spiegelman voted yes.

Commissioner Luker voted yes.

MOTION was ADOPTED 13-0. Commissioners Kline and Bowman were absent during roll call vote.

**TOWNSHIP OF ABINGTON
RESOLUTION NO. 15-024**

A RESOLUTION OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-19572 INTO THE TOWNSHIP OF ABINGTON FROM SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, ACT 141 of 2000 {the ACT}, which amends the Commonwealth's Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of Restaurant Liquor Licenses across municipal boundaries within the same county regardless of quota limitations provided for in Section 461 of the Liquor Code, if sales of the liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the receiving municipality issues a resolution approving the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, amendments to the Liquor Code stipulate that prior to the adoption of a resolution by the receiving municipality, at least one hearing is held for the purpose of permitting interested parties to state their concerns regarding the transfer of the Restaurant Liquor License into the municipality; and

WHEREAS, an applicant for the transfer filed under the ACT must contain a copy of the resolution adopted by the municipality approving the transfer of the Restaurant Liquor License into the receiving municipality.

NOW THEREFORE BE IT RESOLVED, Oreland Associates II, LLC has requested the approval of the Board of Commissioners of the Township of Abington for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-19572 to its facility within the Township of Abington, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Township of Abington finds that the transfer of Restaurant Liquor License No. R-19572 into the Township of Abington by Oreland Associates II, LLC, will not adversely affect the welfare, health, peace and morals of the Township or its residents.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Township of Abington approves by adoption of this Resolution, the proposed inter-municipal liquor license transfer proposed by Oreland Associates II, LLC to be used at Bernie's Pub, located at 391 Highland Avenue, Jenkintown, Pa. 19046, Abington Township, Montgomery County, Pennsylvania.

BE IT FURTHER RESOLVED, that the license transfer is subject to the approval of the Pennsylvania Liquor Control Board.

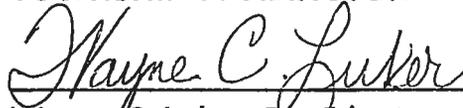
I HEREBY CERTIFY that this resolution was adopted by the Township of Abington at a public meeting held on the 13th day of August, 2015,

ATTEST:



Michael LeFevre
Township Secretary

TOWNSHIP OF ABINGTON



Wayne C. Luker, President
Board of Commissioners

Subdivision Plan –SD-15-03 – Brown Street Associates – 2066 Moreland Road

Commissioner Sanchez made a MOTION, seconded by Commissioner Markman to approve the subdivision application of Brown Street Associates, owner of the property located at 2066 Moreland Road. The owner seeks approval to subdivide the property into two lots. Lot No. 1 will contain the existing single-family dwelling and consist of 10,038 square feet. Lot No. 2 is plotted at 9,532 square feet for a new single-family dwelling and the existing two-car detached garage. Both proposed lots conform to the dimensional requirements of Section 304.3 of the Zoning Ordinance. The properties are zoned in the (R-4) Residential District in Ward No. 10 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with two (2) newly executed, signed, notarized and recorded deeds.
2. The applicant is required to set concrete monuments as directed by the Abington Township Engineering Office.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan
2. Waiver from Section 146-11.B – Existing Features Plan
3. Waiver from Section 146-11.C. – Proposed Layout Plan
4. Waiver from Section 146-11.E – Soil Erosion Controls
5. Waiver from Section 146-11.F – Street Plan
6. Waiver from Section 146-11.G – Utilities Plan
7. Waiver from Section 146-11.I – Phasing Plan
8. Waiver from Section 146-11.L – Architectural Plan

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Hecker commented that he attended the Planning Commission meeting, and he had the opportunity to discuss with the developer about meeting with the neighbors to address their concerns and they are amenable to do so.

Also, he clarified that this is a conforming use and the developer is not requesting any variances from Township code. Is that correct?

Mr. Penecale replied that is correct.

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

MOTION was ADOPTED 13-0.

Resolution No. 15-026 – Transfer of Liquor License No. R-15994 Dino’s Backstage, LLC – 285, 287 and 289 N. Keswick Avenue

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to advertise a public hearing on Resolution No. 15-026 for the transfer of Liquor License No. R-15994 Dino’s Backstage, LLC, 285, 287, and 289 N. Keswick Avenue for adoption at the regularly scheduled meeting of the Board of Commissioners on September 10, 2015 at 7:30 p.m.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Gillespie commented that although this is not in her ward, this is a great project, and she asked for support by her fellow Board members.

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

MOTION was ADOPTED 13-0.

Resolution No. 15-027 – Transfer of Liquor License No. R-17136 C & D Brewing Company of Huntingdon Valley

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to advertise a public hearing on Resolution No. 15-027 for the transfer of Liquor License No. R-17136 C & D Brewing Company of Huntingdon Valley for adoption at the regularly scheduled meeting of the Board of Commissioners on September 10, 2015 at 7:30 p.m.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Kalinoski asked where are these liquor licenses being transferred from?

Ms. Gallagher replied both of these liquor licenses are coming from Upper Providence Township and are currently owned by third parties that are no longer in business.

Commissioner Jones commented that this is an iron brewery located in Ward 3 in the Huntingdon Valley Shopping Center in which the success of that shopping center is vital to the community, and he asked for support by his fellow Board members.

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

MOTION was ADOPTED 13-0.

PUBLIC SAFETY COMMITTEE:

Ordinance No. 3002 – 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”

Commissioner Schreiber made a MOTION, seconded by Commissioner Kalinoski to adopt Ordinance No. 3002 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) at the regularly scheduled meeting of the Board of Commissioners on August 13, 2015.

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

Commissioner Luker asked for any public comments.

Raymond Bell, Parkview Avenue, said he understands these ordinances are for the safety of the residents, but will enforcement create more of a burden on the Police Department?

Chief Kelly replied these ordinances will allow the officers to do a better job for the citizens as they are based on complaints received.

MOTION was ADOPTED 13-0.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3002

**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”**

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” 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 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
Acorn Lane	North	30 feet east of the posted Stop Sign at Edge Hill Road (north intersection)
Acorn Lane	North	30 feet east of the posted Stop Sign at Edge Hill Road (south intersection)
Lycoming Avenue	East	30 feet south of the posted Stop Sign at Moreland Road
Senak Road	South	3 feet west of the side driveway for 1471 Fitzwatertown Road

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.

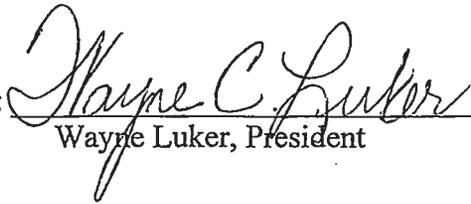
ORDAINED AND ENACTED this 13th day of August, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:



Michael LeFevre, Secretary

By: 

Wayne Luker, President

Ordinance No. 3003 – To Amend Chapter 156 (Vehicles and Traffic), Article II – (Traffic Regulations), Section 14 (Stop Intersections), 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. 3003 amending Chapter 156 (Vehicles and Traffic), Article II – (Traffic Regulations), Section 14 (Stop Intersections), 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 September 10, 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 13-0.

Conditional Promotion to the Rank of Sergeant

Commissioner Schreiber made a MOTION, seconded by Commissioner Spiegelman to promote Detective Shawn Nisbet to the rank of Probationary Sergeant effective August 17, 2015 providing he successfully completes the remaining portions of the promotional process.

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 13-0.

PUBLIC AFFAIRS COMMITTEE:

Resolution No. 15-028 – Property Acquisition – 1004 Irvin Road

Commissioner Spiegelman made a MOTION, seconded by Commissioner Jones to approve Resolution No. 15-028 approving the terms and conditions of an Agreement of Sale for 1004 Irvin Road (Tax Parcel 30-00-32540-00-1) for the consideration of \$335,000.00.

Commissioner Luker asked for any comments from Commissioners or staff.

Commissioner Jones commented that this property is located in Ward 3 and a lot of work has been done by Township staff as well as cooperation by the resident, and he asked for support by his fellow Board members.

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

MOTION was ADOPTED 13-0.

**ABINGTON TOWNSHIP
RESOLUTION NO. 15-028**

**A RESOLUTION OF ABINGTON TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT OF SALE
WITH JAMES P. KELLY AND MADELEINE M. KELLY FOR
THE ACQUISITION OF REAL PROPERTY LOCATED AT
1004 IRVIN ROAD, HUNTINGDON VALLEY, ABINGTON TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA, BEING
MONTGOMERY COUNTY TAX PARCEL NO. 30-00-32540-00-1**

WHEREAS, James P. Kelly and Madeleine M. Kelly (“Owners”) are the owners of certain real property situate in Abington Township, Montgomery County, Pennsylvania, located at 1004 Irvin Road in Huntingdon Valley, and being designated as Montgomery County Tax Parcel Number 30-00-32540-00-1 (the “Property”), which is more particularly described in the property summary attached hereto as Exhibit “A;” and

WHEREAS, the Township of Abington (the “Township”) intended to acquire title to the Property by declaration of taking by eminent domain (“Condemnation”) indicating its taking of the Property for its lawful and necessary use; and

WHEREAS, in lieu of Condemnation, Owners have agreed to convey the Property to the Township for the consideration of Three Hundred Thirty Five Thousand (\$335,000.00) Dollars by Agreement of Sale for the Property, a true and correct copy of which is attached hereto as Exhibit “B;” and

WHEREAS, in lieu of Condemnation, Owners have agreed to convey the Property to the Township for the aforementioned consideration of Three Hundred Thirty Five Thousand (\$335,000.00) Dollars by Deed to the Property, said Deed to be approved by the Township and the Township Solicitor; and

WHEREAS, the Township, by official action, desires to obtain title, in fee, to the Property by accepting the terms of the Agreement of Sale and the conveyance of the Property by Deed as aforementioned, in lieu of Condemnation of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Township hereby accepts the terms of the Agreement of Sale in form attached hereto as Exhibit "B," in lieu of Condemnation, and title, from Owners, in fee, to the Property by Deed to be approved by the Township and Township Solicitor, in lieu of Condemnation, and the Board of Commissioners of the Township hereby authorizes its officers to execute any and all documents and paperwork necessary to complete the acquisition of the Property, in fee, by Agreement of Sale and Deed, and to cause the recordation of the Deed in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania.

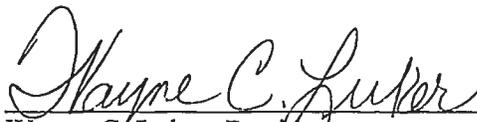
I HEREBY CERTIFY that this Resolution was adopted by Abington Township at its public meeting held on the 13th day of August, 2015.

ATTEST:

ABINGTON TOWNSHIP



Michael LeFevre
Township Secretary



Wayne C. Luker, President
Board of Commissioners

FINANCE COMMITTEE:

Treasurer's Report:

Township Treasurer Jay W. Blumenthal announced that his report is attached to the agenda and he will answer any questions.

Investments

Commissioner Hecker made a MOTION, seconded by Commissioner Spiegelman to approve investments for the month of June, 2015 as previously circulated to the Board. It was noted that investments for the month totaled \$744,000.00. Interest rate yields ranged from 0.7500% to 1.100%.

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 13-0.

Expenditures/Salaries and Wages

Motion to:

- (A) Approve the June expenditures as previously circulated to the Board, in the amount of \$2,237,198.81 and salaries and wages in the amount of \$1,765,509.55.
- (B) Authorize the proper officials to sign vouchers in payment of bills and contracts as they mature through the month of September, 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 13-0. Commissioners Kline and Bowman were absent during roll call.

Training and Conference Expenses

Commissioner Hecker made a MOTION, seconded by Commissioner Jones to approve the Advance and Travel Expense activity for June, 2015 as previously circulated to the Board. Advance and Travel Expense reports were \$0.00 and \$3,601.05, respectively.

Six-month expenses totaled \$25,521.22.

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 13-0.

Clearing Fund/Deferred Revenue and Expense/Petty Cash

Commissioner Hecker 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 June, 2015 as previously circulated to the Board.

June Petty Cash balances previously circulated to the Board.

Clearing fund receipts and disbursements for the month of June, 2015 were \$785.55 and (\$0.00), respectively.

Deferred Revenue/Expense receipts and disbursements for the month of June, 2015 were \$82.90 and (\$5,618.34), 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 13-0.

COMMENTS FROM CITIZENS:

Victor Krievins, 3505 W. Moreland Road, commented that a number of people were a victim of a crime at the Abington Post Office, and thanks to the outstanding work of the Abington Police, the suspects were arrested.

Edith Schmid, owner of Elite Flowers, 1160 Bradfield Road, thanked the Board of Commissioners for truly supporting the businesses of their Township.

Commissioner Luker asked Chief Kelly for an update on preparations being made for the Pope's visit to Philadelphia.

Chief Kelly invited the Board of Commissioners and Township staff to an Emergency Management Council meeting that will be held on Monday, August 17, 2015 at about 7:45 p.m., at the Public Safety Training Center immediately following the Fire Board meeting to discuss the impact that the Pope's visit to Philadelphia will have on Abington Township.

He reassured the citizens that the Abington Police Department will be prepared to handle whatever comes up, and his entire Command staff will be working that weekend to make any critical decisions during that time.

Sunday night when everyone is trying to leave Philadelphia will be a concern as certain roads will be closed off, so we will be prepared to handle that as well.

If there is any type of injuries, and certainly if there are any terrorist activities, we are preparing to protect our Township assets such as Abington Hospital. Also, just in case any catastrophic event happens, although we do not feel that will happen in Abington Township, but just in case, a backup plan will be in place involving large masses of Township employees.

REMARKS OF COMMISSIONERS:

Commissioner DiPlacido thanked Mr. Mike Powers, Township Engineer and Mr. Tim Clark for the fantastic job they are doing on the creek bed repair.

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

Commissioner Farren announced that recently, Glenside lost one of our staples of our community, Mike Hensley, who passed away suddenly about two weeks ago. Mike was a 37-year Veteran of the Glenside Fire Department, and at the age of 19, Mike founded the Everlasting Fence Company. He had the pleasure of knowing Mike and his family as their children became friends in grade school and Mike's kindness to everyone was impressive.

Our family and neighborhood are devastated and there has been an overwhelming outcry of support from the surrounding fire departments and surrounding neighbors as well as Fire Marshal Clark, who came out to support Mike's family and honor Mike and his service to the neighborhood. He asked everyone to keep Mike's family in their prayers.

Commissioner Myers gave a shout out for a terrific Pre-Night Out event that was held last Monday and she thanked Dave Rondinelli and the entire Town Watch Council as they did a terrific job as always.

Commissioner Hecker echoed Commissioner Myers comments about the Pre-Night Out event and he looks forward to it again next year.

Also, he had his first experience tonight with an unwanted solicitor knocking on his door as he was leaving to come to this meeting, and he reminded Township residents that they have a right to ask to see a permit from solicitors at their door. This solicitor was rude, aggressive and demanding to see his PECO Energy bill so they could get his account code, and when he asked for a permit, they did not have it. This group is called Direct Sales Solutions and they are a subsidiary of Major Energy.

According to Township website, the only outside group permitted to solicit in Abington Township in the month of August is Renewal by Anderson. If you have any questions, call the police immediately.

Commissioner Jones thanked Dave Rondinelli, who did a fantastic job with a matter of remediation between neighbors. He also thanked Lt. Warner and Traffic Safety Officer Freed for their safety work in Ward 3. Also, the creek projects being done in McKinley are phenomenal and Tim Clark's "on the fly" idea raising someone's backyard by four to five feet was impressive. Also, we will be having a McKinley BBQ on September 26, 2015 at Alverthorpe Park from 11 a.m. - 6 p.m.

Commissioner Kalinoski thanked Mr. Mark Penecale for the work he has done. He also thanked Mr. Doug Wendell for addressing a situation in Ward 6. Also, Fill-A-Cop-Car with Food event was a huge success, and Lt Warner and the employees of the Giant Food Store did a fantastic job.

Commissioner Spiegelman thanked Mr. Mark Penecale as well as Officers Freed and Posey and Mr. Larry Matteo for their assistance in Ward 11.

Chief Kelly announced that there was a missing person, a senior citizen, who walked away from St. Joseph's Manor last night, and due to the incredible efforts of many people working to find him, they found him off of Moredon Road lying in a creek, and he would not have survived much longer if not been found.

MontcoReady System sends alerts about missing persons and other emergencies, and he encouraged everyone to sign up.

Commissioner Luker thanked everyone involved with the Pre-Night Out event as it was fantastic. He also thanked lead Counsel filling in for Township Solicitor for their attendance this evening. He also thanked his fellow colleagues and Township staff for their comments made at last month's meeting and he appreciated it very much.

Board of Commissioners Meeting

August 13, 2015

ADJOURNMENT: 8:38 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

sev