

WORK SESSION
January 4, 2010

A Work Session of the Whitpain Township Board of Supervisors was held on Monday, January 4, 2010 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA at 7:00 PM for the purpose of reviewing the agenda of the January 4, 2010 Supervisors' Meeting. Chairman Joseph J. Palmer was present with Supervisors Brian W. Young Anthony F. Greco, Adam D. Zucker and Frederick R. Conner. Andrew Freimuth from the Township Solicitor's Office, Township Manager Phyllis C. Lieberman, Assistant Township Manager/Township Engineer Roman M. Pronczak, Director of Finance John Marcarelli, Police Chief Mark Smith, Director of Public Works Ronald J. Cione, Director of Code Enforcement Michael E. McAndrew, and Parks and Recreation Director Kurt W. Baker were also present. Fire Marshal David M. Camarda was absent. One member of the public was present.

The Supervisors reviewed the agenda discussing the swearing in of two Supervisors, an Elected Auditor, Real Estate Tax Collector, and the Constable, election of the officers of the Board of Supervisors, approval of the minutes of the December 15, 2009 Budget Work Session and the December 15, 2009 Supervisors' Meeting, approval of the December 2009 Voucher List, appointment of James Garrity as Township Solicitor, Herbert Rubenstein as Zoning Hearing Board Solicitor and Board of Appeals Solicitor, Brian Miles as Vacancy Board Chairman, and E. Van Rieker as Planning Consultant, a motion to approve the rates for each of those positions, appointment and re-appointment of Harry Phifer to a four year term on the Planning Commission, Jack O'Hara to a five year term on the Zoning Hearing Board, Melissa Murphy Weber to a four year term on the Zoning Hearing Board, and Arthur Forbes to a five year term on the Board of Appeals, a motion to authorize the members of the Board of Supervisors, Township Manager, Assistant Township Manager, and Director of Finance to sign all Whitpain Township fund checks, a motion to authorize the Township Manager, Assistant Township Manager, and Director of Finance to sign payroll checks and authorizing payroll checks to be paid in 2010 without monthly motion, pending Board approval of the monthly voucher list, a motion to authorize the Township Manager to prepare checks to be signed by authorized personnel when necessary to meet Township's obligations, a motion to set the Treasurer's Bond for 2010 at \$1,000,000, a motion the authorize the Director of Finance to transfer funds among various Township accounts, a motion to disburse and replenish a petty cash fund for the year 2010, maximum amount \$500, a motion to name TD Bank as depository for Township funds for 2010 and various other investment institutions fulfilling the requirements of the Township's investment policy for the investment of Township funds, a motion to set the minimum capital purchase amount at \$5,000, a motion to set the 2010 mileage reimbursement rate at 50 cents per mile for use of personal vehicles for Township business, the scheduling of Supervisors' Meetings for 2010, announcement of the elected Township Board of Auditors organization meeting, a motion to schedule 2010 Township holidays for employees

(except Police), a motion to certify Fred Conner and Joe Palmer as delegates to the 2010 PSATS Annual Convention, a motion to adopt Resolution No. 903 authorizing Berkheimer to collect the Local Services Tax, a motion to adopt Resolution No. 904 authorizing Berkheimer to collect the Earned Income Tax, a motion to adopt Resolution No. 905 to appoint Berkheimer as Whitpain Township' tax hearing officer under and pursuant to the local taxpayers' bill of rights for the express purpose of adjudicating appeals thereunder, a motion to adopt Resolution No. 906 authorizing Berkheimer to impose and retain costs of collections on delinquent taxes, a motion to adopt Resolution No. 907 authorizing the Township Finance Director or the Township Manager to make requests upon and receive any and all tax information and records from Berkheimer relative to the collection of taxes for Whitpain Township, a motion to approve an agreement between Whitpain Township, East Norriton Township, and Kenneth Knight and Gail Vant Zelfde owners of a property at 109 W. Township Line Road regarding the acceptance of sanitary sewage, a motion to release escrow for the Deer Lake Development, consideration of a request from Henkels and McCoy, Inc. for a waiver from the requirement of submitting a land development application for parking lot modifications and associated changes to the stormwater management system, a motion to approve an easement agreement between Whitpain Township and Henkels and McCoy, Inc. regarding grading for stormwater management purposes at 1098 Skippack Pike (Wentz Run Park), and a motion to authorize Gailey Murray Communications to proceed with the upgrade of the Township website and assistance with communications in accordance with their proposal dated November 23, 2009. The scope is to include Task 1 and Task 2.

Mrs. Lieberman said that the proposed Parks and Recreation/Open Space Board Ordinance was scheduled for a hearing on January 19, 2010. Mr. Baker then reviewed the Ordinance, especially the portion dealing with the number of members on the Board and who they would be. Mr. Baker explained that some members of the present Parks and Recreation Board wish to remain on the new Board and some members of the Open Space Committee wish to be considered for appointment. After some discussion, the Supervisors said that they felt there should be nine members on the Board, comprised of people representing both of those groups.

Mrs. Lieberman asked the Supervisors when they wanted the payment in lieu of raises to be given to the non-contractual employees in 2010. After some discussion, they said to pay it on a quarterly basis.

Mrs. Lieberman then told the Supervisors that after the heavy snowfall, she had received complaints about people not shoveling sidewalks. She said that there is an ordinance that requires it if a snow emergency is declared, but not for normal snow events. In this particular instance, there was a snow emergency declared, so the Police alerted people to clear their sidewalks if there was a complaint. Mrs. Lieberman said that she had spoken to Mr. Garrity about it and he said that most townships have the requirement to clear sidewalks within 24 hours of a snow event. After some discussion the Supervisors said to have Mr. Garrity prepare the ordinance.

The Supervisors then discussed one legal matter and one personnel matter.

The Supervisors then left for the public meeting.

The Work Session was not reconvened

Phyllis C. Lieberman
Whitpain Township Manager

#1-2010

In accordance with the law, the annual organization meeting of the Whitpain Township Board of Supervisors was held Monday, January 4, 2010 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania. Supervisors Joseph J. Palmer, Brian W. Young, Anthony F. Greco, Frederick R. Conner, Jr., and Adam Zucker were present. Township Manager Phyllis Lieberman, Assistant Township Manager/Township Engineer Roman M. Pronczak, Assistant Township Solicitor Andrew Freimuth, Finance Director John Marcarelli, Public Works Director Ronald J. Cione, Police Chief Mark A. Smith, Code Enforcement Officer Michael E. McAndrew, Parks and Recreation Director Kurt W. Baker, and Recording Secretary Michele Alifano were also present. Fire Marshal David Camarda was absent. There were approximately 10 audience members present.

Following the Pledge of Allegiance, Chairman Palmer called the meeting to order.

District Justice John Murray was present for a swearing in ceremony for five newly elected officials. Mr. Anthony F. Greco and Mr. Frederick R. Conner, Jr. were sworn in to six (6) year terms on the Board of Supervisors, Mr. Matthew Maguire was sworn in to a six (6) year term as an Elected Auditor, Ms. Patricia Nelson was sworn in to a four (4) year term as Tax Collector, and Mr. David Ullery was sworn in to a six (6) year term as Constable.

A motion was made by Mr. Greco, duly seconded by Mr. Conner, to elect Joseph J. Palmer, Chairman, Brian W. Young, Vice Chairman, Anthony F. Greco, Secretary, Frederick R. Conner, Jr., Treasurer, and Adam D. Zucker, Assistant Secretary. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Conner, to approve the minutes of the December 15, 2009 Budget Work Session, and the December 15, 2009 Board of Supervisors' meeting as written and distributed. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Young, to approve all expenditures on the December, 2009 Voucher List, which totaled \$990,139.94. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, to appoint James Garrity as Township Solicitor, Herbert Rubenstein as Zoning Hearing Board Solicitor and Board of Appeals Solicitor, Brian Miles as Vacancy Board Chairman, and E. Van Rieker as Township Planning Consultant for the year 2010. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to approve the following rates of service for 2010:

Township Solicitor	\$145.00/hr. \$155.00/hr. for adversarial and litigation issues.
Zoning Hearing Board Solicitor	\$145.00/hr.
Board of Appeals Solicitor	\$145.00/hr.
Planning Consultant	\$95.00/hr. for all work in conjunction with the Township and Planning Commission. \$380.00 per Planning Commission Meeting.

Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Conner, duly seconded by Mr. Greco, to appoint and re-appoint the following to the Township Boards and Commissions:

TERM

Planning Commission	4 years	Harry Phifer
Zoning Hearing Board	5 years	Jack O'Hara
Zoning Hearing Board	4 years	Melissa Murphy Weber
Board of Appeals	5 years	Arthur Forbes

Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to authorize the five (5) present members of the Board of Supervisors, Township Manager, Assistant Township Manager, and Director of Finance to sign all Whitpain Township fund checks. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to authorize the Township Manager, Assistant Manager, and Director of Finance to sign payroll checks, and authorizing payroll checks to be paid in 2010 without monthly motion. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Young, to authorize the Township Manager to prepare checks, pending Board approval of the monthly voucher list. (To be signed by authorized personnel when necessary to meet the Township's

obligations.) Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker to set the Treasurer's Bond for 2010 at \$1,000,000. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Conner, to authorize the Director of Finance to transfer funds among the various Township accounts. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, and unanimously passed to disburse and replenish a petty cash fund for the year 2010. Maximum amount is \$500.00. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Young, to name TD Bank as depository for Township funds for 2010 and various other investment institutions fulfilling the requirements of the Township's investment policy for investment of Township funds. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Conner, to set the minimum capital purchase amount at \$5000.00. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, to set the 2010 mileage reimbursement rate at 50 cents per mile for use of personal vehicles for Township business. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

Chairman Palmer announced the Supervisors regularly scheduled meetings for 2010, which will be held on the first Tuesday of every month, except in November, when the regular scheduled meeting will be held on Wednesday, November 3, 2010. All meetings will be held at 8:00 PM at the Township Administration Building. Work Sessions to review the agenda will begin at 7:30 PM and will resume after the public meetings for discussion of any other issues before the Board. The second monthly meetings will be announced and advertised, although they usually will be held on the third Tuesday of every month at 8:00 PM, except for the months of May, July and August. In May, the second monthly meeting will be held on Wednesday, May 19, 2010. In July and August, there will be only one meeting. Again, work sessions will begin at 7:30 PM and will resume after the public meeting for discussion of any other issues before the Board.

The second monthly meeting for January is scheduled for Tuesday, January 19, 2010 at 8:00 PM at the Township Building.

At this time, Chairman Palmer announced that the elected Township Board of Auditors will hold its organization meeting on Tuesday, January 5, 2010 at 9:00 AM at the Township Building. (Bee Bergvall & Company, CPAs will perform the actual work on the audit.)

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, and unanimously passed to schedule the following as Township holidays for non-police employees in 2010:

New Year's Day
Martin Luther King Day
Presidents' Day
Memorial Day
Fourth of July
Labor Day
Veteran's Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve – ½ day
Christmas Day
New Year's Eve – ½ day

Note: Police receive holiday hours per contract.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, to certify Joseph J. Palmer and Frederick R. Conner, Jr. as delegates to the 2010 Pennsylvania State Association of Township Supervisors' Annual Convention in Hershey, Pennsylvania, and for Mr. Conner to act as voting delegate. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Conner, duly seconded by Mr. Young, to adopt Resolution No. 903 to authorize Berkheimer to collect the Local Services taxes. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to adopt Resolution No. 904 to authorize Berkheimer to collect the Earned Income Tax levied by Whitpain Township. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, to adopt Resolution No. 905 to appoint Berkheimer as Whitpain Township's tax hearing officer under and pursuant to the local taxpayers' bill of rights for the express purpose of

adjudicating appeals thereunder. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, to adopt Resolution No. 906, authorizing Berkheimer to impose and retain costs of collections on delinquent taxes. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Young, duly seconded by Mr. Conner, to adopt Resolution No. 907, authorizing the Township Finance Director or the Township Manager to make requests upon and receive any and all tax information and records from Berkheimer relative to the collection of taxes for Whitpain Township. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, to approve an agreement between Whitpain Township; East Norriton Township; and Kenneth J. Knight and Gail Vant Zelfde, owners of a property located at 109 W. Township Line Road regarding acceptance of sanitary sewage. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Conner, to release all remaining funds, in the amount of \$223,320.91 (Release #7 - Final) from the financial security posted for the Deer Lake Development (Anderson / Lake Tracts LD-8-04), located on the southeastern corner of Morris and North Wales Roads. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Conner, duly seconded by Mr. Greco, to approve a request from the Henkels & McCoy, Inc. for a waiver from the requirement of submitting a land development application for parking lot modifications and associated changes to the stormwater management system. Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Conner, duly seconded by Mr. Greco, to approve easement agreement between Whitpain Township and Henkels & McCoy, Inc. regarding grading for stormwater management purposes at 1098 Skippack Pike (Wentz Run Park). Chairman Palmer called for any discussion regarding this item. There being none, the motion passed unanimously.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, to authorize Gailey Murray Communications to proceed with the upgrade of the Township website and assistance with communications in accordance with their proposal dated November 23, 2009. The scope of work is to include Task 1 and Task 2 – Option B. Chairman

Palmer called for any discussion regarding this item. There being none, he then called for a vote. The motion passed by a vote of 4-1, with Mr. Conner voting in opposition.

Mr. Young called for any old or new business from the Board. Mr. Zucker commended Mr. Ron Cione and the Public Works Department for their excellent work in clearing Township roads during the pre-Christmas snowstorm. Mr. Greco commented that he had received calls from residents regarding the tax increase for 2010. He stated that while he received some negative feedback on that issue, he also had received many compliments about the efficiency of the Public Works Department in their process of snow removal from Township roads. Chairman Palmer also praised the efforts of each of the Whitpain Township staff for their response to the needs of residents of the Township.

Mr. Young then called for any comments from the floor. Mr. Bob Whittock requested clarification on agenda item #29, regarding the improvements to the stormwater management system at Henkels & McCoy. Mr. Pronczak responded that not only are Henkels & McCoy making modifications on their property, but some grading would be required on neighboring property that is owned by the Township, to allow for improved drainage of stormwater.

Mr. Cione then informed Mr. Whittock that he would be participating in a conference call later in the week with CSX, to ascertain when the required repairs would be scheduled to alleviate a grading issue at the railroad tracks in the vicinity of Skippack Pike & Belfry Drive. Mr. Cione invited Mr. Whittock to be present for the conference call since this issue has been of particular concern to Mr. Whittock for quite some time.

There being no further business to come before the Board, on motion made by Mr. Young, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Anthony F. Greco, Secretary